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# The partnership of peacebuilding: A case study of justice development in Haiti.

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**The Partnership of Peacebuilding: A case study of justice development in Haiti**

by

**D.C. Beer**

A Thesis

Submitted to the Faculty of Graduate Studies and Research  
through Political Science  
in Partial Fulfilment of the Requirements for  
the Degree of Master of Arts at the  
University of Windsor

Windsor, Ontario, Canada

2001

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**Abstract:**

Since peacebuilding was introduced as a strategy for the international community to deal more effectively with intra-state conflict, it has become recognized as a complex and expensive process of change, demanding collective action. The international 'partnership' of peacebuilding that has emerged is examined in the context of justice sector development in Haiti. Issues that tended to complicate the peacebuilding process, and impact on the success of the intervention: multilateralism and donor self-interest, the need of systems development, the role of the civil sector, success measurement, and sustainability of programs, are discussed. Particular attention is paid to the extent to which there was cooperation and collaboration among the donor 'partners', the need of greater attention to improved human rights conditions as a success indicator, and the absolute need of a recipient state committed to change. In that Canada contributed significantly to this international intervention, the implications of the participation are discussed in terms of the country's foreign policy objectives. The author, a member of the Royal Canadian Mounted Police on secondment to the Canadian International Development Agency, planned and then directed bilateral Canadian policing development assistance to Haiti. Later, he was as a member of a UN-led international team that planned the last of the series multilateral policing missions to Haiti. In this respect, the author was a participant-observer from both the bilateral and multilateral perspectives.

To my family: all have been so patient for so long.

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## **ABBREVIATIONS**

<b>BAC</b>	<b>Brigade Anti Criminale, Haitian National Police (HNP) Investigative Unit</b>
<b>BLTS</b>	<b>Bureau de lutte contre la trafrique des stupifiants, Drug Investigations Unit HNP</b>
<b>BRJ</b>	<b>Bureau de renseignement judiciaire, Intelligence Analytical Unit, HNP</b>
<b>CIDA</b>	<b>Canadian International Development Agency</b>
<b>DEA</b>	<b>Drug Enforcement Administration, US</b>
<b>Fad'h</b>	<b>Force Armée d'Haiti, Haiti Armed Forces</b>
<b>FRAPH</b>	<b>Front for Advancement and Progress in Haiti</b>
<b>GOH</b>	<b>Government of Haiti</b>
<b>HNP</b>	<b>Haitian National Police</b>
<b>ICITAP</b>	<b>International Criminal Investigative Training Assistance Program, US</b>
<b>IPM</b>	<b>International Police Monitors</b>
<b>IPSF</b>	<b>Interim Public Security Force</b>
<b>JICC</b>	<b>Joint Intelligence Coordination Centre</b>
<b>MICIVIH</b>	<b>United Nations Civilian Mission in Haiti</b>
<b>MIPONUH</b>	<b>United Nations Police Mission in Haiti</b>
<b>MNF</b>	<b>Multinational Force</b>
<b>NGO</b>	<b>Non-governmental Organizations</b>
<b>OAS</b>	<b>Organization of American States</b>
<b>RCMP</b>	<b>Royal Canadian Mounted Police</b>
<b>SWAT</b>	<b>Special Weapons and Tactics</b>
<b>UNCIVPOL</b>	<b>United Nations Civilian Police</b>
<b>UNDP</b>	<b>United Nations Develop Programme</b>
<b>UNMIH</b>	<b>United Nations Mission in Haiti</b>

## **Introduction:**

The post Cold War era, the first five years of the 1990s in particular, proved to be the world's most violent period since World War II. A central reality of the change from the bi-polar politics of the previous fifty years was the emergence of intra-state conflict as a threat to international peace and security. Conservative estimates indicate that there were 93 armed conflicts around the world, and that of the 5.5 million people killed (fully 25% of all deaths in armed conflict since 1945), 75% were civilians.<sup>1</sup> During the same period the United Nations (UN) launched more 'peacekeeping' missions than it had in the previous 45 years.<sup>2</sup>

Unencumbered by Cold-War politics 'collective intervention' emerged as a viable option for the international community which was now more willing to get involved in intra-state matters. The sovereignty of the state, once sacrosanct, came under attack in the context of human security issues and fundamental rights. While this change in international behaviour may be a consequence of the change from the bipolar character of the Cold War, it also stems from the recognition of the importance of human rights and justice as a foundation of political and economic stability, peace and security.

In responding to the many new challenges posed by conflict resolution in situations of intra-state conflict, options beyond the traditional notion of peacekeeping were needed by the international community. Boutros Boutros-Ghali, Secretary General of the United Nations, in his report of 17 June, 1992, 'An Agenda for Peace' (revised 1995), introduced 'peace building' to the range of strategies of international conflict resolution. In the years following 'An Agenda for Peace', peacebuilding has come to be recognized as more than institutional development and social justice, but as a lengthy process of complex transformation of society, culture, politics, and economics.<sup>3</sup>

At the same time, peacebuilding interventions are complicated by other issues: of sovereignty versus self interest; by the interdependencies of systems within institutions; by the role of civil society in development; and by the political will of the recipient state to succeed. Also recognized is that peacebuilding initiatives are expensive propositions, requiring long term commitments that few states or agencies are able and/or are prepared to make unilaterally.

Following from an international community generally more willing to intervene collectively in intra state conflicts, the need for partnerships emerges to address the multitude of tasks of rebuilding and transformation leading to sustainable development in conflict torn states. This notion of partnership includes a committed and responsive recipient state working with the international community in collective relationships, and with common goals of conflict prevention.

Yet, successful peacebuilding and conflict prevention through 'sustainable' development, remains a vague goal. Indeed, there are problems in our ability to measure success of peacebuilding activity (except at a macro level), especially over the long term, against such abstract terms as justice, democracy, security, good governance, a healthy economy, and improved opportunities and access. In the absence of precise measures of success, we struggle to know what is, or is not, working and if international missions are on the right track.

#### **Haiti as a Case Study:**

Haiti represents an interesting (perhaps 'crucial'), case in examining the concept of peacebuilding, and the success of partnership programs that have emerged in recent peacebuilding efforts. It is a country that has struggled politically, economically and socially, for the 200 years since its independence. Its institutions are immature and in need of development.<sup>4</sup> The brutality of the military coup that followed Haiti's first truly democratic exercise in December 1991, and the subsequent flight of refugees, garnered international attention. Unlike other situations where peacebuilding efforts have been coordinated with peacekeeping actions, Haiti, in the period following the peacekeeping intervention offered an environment generally free of civil violence in which to conduct development activities. Still, while distinct in many respects from other international interventions, significant human suffering and political and human rights violations were evident.<sup>5</sup> In this respect the international intervention in Haiti is an example of shifting norms regarding the sanctity of sovereignty and the willingness to act against the sovereignty of the state in matters of human security and fundamental freedoms.

Equally, there has been no shortage of human or financial resources available for

development, and the justice sector has received particular attention. In fact, the emphasis on justice development in Haiti, as a foundation of political and economic stability, is reflected in the fact that the United Nations used the continued pursuit of justice development as the rationale of mission extensions, and the establishment of new missions.<sup>6</sup> Further, Canada, France and the United States, each UN mission contributors, also contributed bilaterally to development programs in the justice sector.

Examining Haiti as a case study is also timely. International development initiatives are ending after approximately five years of activity, and one would expect to find some evidence of progress. Multi and bi-lateral programs are under scrutiny, and the extent to which there has been success will certainly impact on decisions regarding future commitment. As well, presidential elections were held in Haiti in 2000. The extent to which peacebuilding activities have contributed to a stable environment may well influence the success of the new government.

#### **Focus of the thesis:**

This thesis examines the effectiveness of the collective 'partnership' in international peacebuilding in Haiti, in the form of a 'crucial case' study, as proposed by Eckstein (1975).<sup>7</sup> It is an opportunity to study the success of an international peacebuilding effort that has not been affected and complicated by open hostilities, and where there has been no shortage of human and financial resources. In as much as these variables are controlled, and given that 'justice' is considered a foundation of sustainable development and conflict prevention, the study is focussed on justice sector peacebuilding. Specific attention is on the 'partnership', the collective relationship among multilateral and bilateral development contributors, including the recipient state as a partner, and the extent to which that partnership has furthered or hindered development progress. In that justice sector institution-building in Haiti has tended to concentrate on policing at the expense of judicial and prison development (a reality that will be discussed), attention to the partnership is tied generally to policing development. Issues of sovereignty, self interest, 'systems' interdependencies, the role of civil society, and political will, are all discussed in terms of the concept of "partnership", and the

extent to which they influenced cooperation, effectiveness, and efficiencies of the collective effort.

The author, a member of the Royal Canadian Mounted Police serving on secondment to the Canadian International Development Agency, was primarily responsible for creation of the five-year Canadian plan for bilateral policing development assistance offered to Haiti from 1996-2001. He served as the Canadian project's first Director, serving in Haiti from August 1996 to July 1997, then again from September 1998 to September 1999, during a period of project expansion. As director, the author controlled and managed all aspects of the delivery of the Canadian bilateral contribution. This responsibility included the project implementation, administration, and operations, as well as the ongoing evaluation and reporting of success. More generally, it included the evaluation of the international efforts as a whole, and Canada's contribution to it. In this role, and as the police advisor to the Canadian Ambassador in Haiti, the author represented Canada at all levels on matters of policing and policing development assistance and training. In December of 1999, the author participated as a member of a United Nations-led international team that planned the last of the series multilateral policing missions to Haiti (see appendix 2). From this perspective, the author was a participant in both the bilateral (Canadian) and multilateral (United Nations) contributions to justice development in Haiti. Yet, it must be understood that the author conducted no 'research' during the periods in which he served in Haiti in any capacity. The research topic was in fact selected following the authors' work in Haiti. All references to 'interviews', 'notes', or 'reports' are made in the context of events and writings concerning 'development business', not in the context of academic research.

As peacebuilding continues to evolve as an international response to conflict prevention, and applying the principle, ".....that large investments in less likely outcomes are worse propositions than large investments in more likely outcomes"<sup>8</sup>, understanding the 'partnership' arrangements that emerged in Haiti arguably are important to future decisions regarding how, how much, and how long to contribute. Further, a better understanding of collective efforts (the partnerships), will add to our knowledge of strategies leading to success in peacebuilding operations.

The thesis begins with an examination of the concept of peacebuilding as it has emerged since the publication of 'An Agenda for Peace'. This is followed by an examination of Haiti in a historical context, detailing some of the country's history of instability and more recent problems, that prompted international intervention and attention to justice development. Justice sector peacebuilding activities of the international community and factors that tended to influence the 'partnership' in Haiti are then discussed. Finally, the extent to which there has been success, and how that success might be measured, is addressed.

## **Chapter 1     Peacebuilding:**

### **1.1     The End of the Cold War, and new challenges:**

In the wake of the Cold War, conflict in the world is considered to have shifted generally from inter-state to intra-state in nature. Yet the nature of conflict itself remained militaristic, with the sad consequence of a devastating impact on civilian populations. The human suffering that resulted led to an ever increasing international concern for human rights and the necessity, even the obligation, on the part of the international community to intervene.<sup>9</sup> Traditional methods of peacekeeping were soon recognized as less than effective in dealing with matters internal to sovereign states. While peacekeeping separated combatants, the mere separation of conflicting parties without follow-up, had never proven to be a lasting solution.<sup>10</sup> The consequence of peacekeeping, without addressing conflict resolution, was seen only to divide communities without providing long term solutions. What emerged was the need for a wider range of options for the international community, options that would address more concretely the root causes of conflict in search of long term solutions in both pre and post-conflict situations.

The Security Council gridlock that resulted in numerous 'superpower' vetos in the Cold War era had, in many ways, neutralized the ability of the United Nations to respond to many conflict situations. The end of that era and dismantling of the Soviet Bloc at the same time led to greater demands and permitted greater opportunities for Security Council intervention and preemptive action. Yet, as East-West relations were improving, North-South relations, previously held in check by bi-polar geopolitics, began to deteriorate and new threats emerged. Democratic sentiments arose in opposition to authoritarian regimes in states seeking a new political independence. Parallel to political activism was a search for economic prosperity. Technological advances in communication were erasing national borders and contributing to a growing awareness and increased expectations on the part of previously restricted populations. Despite advances in gross economic indicators, there was ample evidence that the gap between rich and poor was widening. Even as apartheid was ending in South Africa, racism was



showing through time worn multicultural cloth in various areas of the world. Added to these realities are a myriad of others equally as troublesome, from global environmental destruction to rapidly growing populations in underdeveloped and debt ridden countries. All of these factors have been seen to be both causes and consequences of conflict.

## **1.2 ‘An Agenda for Peace’ - complexities of peacebuilding:**

The necessity of options, driven by the particular needs of conflict management in intra-state troubles, was addressed by the United Nations Secretary General, Boutros Boutros Ghali, in his report to the Security Council, of January 1992. In ‘An Agenda for Peace’ the need to reach the sources of conflict and war was clearly stated; “to enhance respect for human rights and fundamental freedoms, to promote sustainable economic and social development for wider prosperity, to alleviate distress and to curtail the existence and use of massively destructive weapons”. In discussing UN capacity in options such as preventive diplomacy, peacemaking, and peacekeeping, the Secretary General added the related concept of post-conflict peace-building.<sup>11</sup>

In attempting to develop greater cooperation and resolve within the Security Council, a new and strengthened foundation for the UN was to be laid. Furthermore, a greater integration of effort and sharing of responsibility was envisioned for all members and agencies of the UN. The security arm of the UN, the Security Council, now seen to be free of its previous deadlock, would be the leading edge of the wedge in conflict resolution, with diplomacy as the preventive instrument. Peacemaking (the resolution of conflict issues) was to go hand in hand with the traditional notions of peacekeeping. Peacebuilding, as a new and more far reaching concept, would address the requirements of institutional and infrastructure development, justice, economics, and oppression, in the belief that stability was related to peace.

Kofi Annan, successor to Boutros Ghali as UN Secretary General, embraced peacebuilding as an action of consolidation, addressing a void that could not be filled by mere diplomacy and a military presence in the aftermath of conflict. In analyzing the concept of peacebuilding as envisioned by Annan, Kumar (1998) described it as a pre or post conflict action, multifaceted in its scope, often addressing interrelated causal factors,

and demanding a global strategy unique to the circumstances presented. He suggests a definition of peacebuilding as “the creation within a country of a self-perpetuating mechanism or process for the sustainable management of disputes in order to pre-empt violent conflict”.<sup>12</sup> Others define peacebuilding as a wide array of processes and approaches toward transforming conflicts in the direction of peaceful relationships and sustainable solutions<sup>13</sup>, or the transformation and strengthening of deficit structures.<sup>14</sup> Beyond this, peacebuilding involves cultural and behavioural change, education and the fostering of the idea that changes can be brought about.

Seen then as an antidote for the causes of conflict, the breadth and complexity of the peacebuilding mission is easily understood in that they are envisioned as preventing conflict by addressing its causes.<sup>15</sup> In that peacebuilding activities would include the strengthening or creation of institutions, economic development, attention to issues of human rights, cultural and physical rehabilitation, and the reintegration of combatants, the concept must be understood as a general formula, the specifics of which have to be determined by the needs and circumstances in which it is to be applied.

### **1.3 Other complexities of peacebuilding:**

While the basic concept of peacebuilding may be easily understood in terms of its broad goals of conflict prevention through development and social transformation, a deeper examination reveals other realities that tend to further complicate the processes. These include the extent to which a ‘partnership’ in development activities may add complexities to already difficult situations.

The influence of external actors as developers and facilitators, and the extent to which there may be an imposition of values, beliefs, and standards of behaviour, raises questions of the sovereignty of independent states, intrusiveness versus humanitarianism, and state actor self-interest. Of course, a practical yet fundamental problem emerges, one that always seems clearer in hindsight. When has international peace and security been threatened to the extent that international intervention is warranted? What are the real criteria for intervention? Why do some cases result in international action, while others are ignored? What is the position of the most powerful states, what role do they seem to

be playing, and what self interest may be behind acts rationalized in terms of humanitarianism, justice, peace, or security? Interventions during the 1990s in Iraq, Bosnia, Somalia, Rwanda, Liberia and Haiti, and the human security issues they presented, are said to have elevated the rationale for humanitarian intervention as cause for international action. Yet for many, the justifications offered for these interventions remain problematic.<sup>16</sup> Not only do these and other questions tend to muddy the waters of any intervention, they will tend to complicate the follow-up operations that constitute peacebuilding.

Chapter VII, Article 42 of the UN Charter allows for intervention by force “to maintain or restore international peace and security”, where the option of non-military sanctions has been unsuccessful.<sup>17</sup> Some see the language of ‘international peace and security’ as the United Nations’ justification for intervention in internal matters. In contrast, one of the most powerful arguments in criticism of international interventions is that the most powerful nations control the criteria for intervention.<sup>18</sup> As well, it is suggested that the very presence of countries, which are themselves human rights violators, on the UN Security Council, is a signal that the interpretation of sovereignty is and will continue to be ad hoc.<sup>19</sup> In this same vein, it has been suggested that states involved in humanitarian interventions do so primarily with their own welfare and security in mind, and that there is little interest in supporting missions which do not serve national self interest.<sup>20</sup>

If it is accepted that international interventions may be tainted by self-interest, it stands to reason that there will be further complications if such participation is carried out by a mix of actors. This mix can include a variety of international and state actors, non government organizations and elements of civil society, all seeking to foster democratic transitions based on different motivations.<sup>21</sup>

The objectives of participating actors, whether they be agencies or states, are sometimes competing. The methods of doing business are not always compatible. Financial and human resource commitments vary greatly, as do the duration of missions.<sup>22</sup> Where multiple actors are involved, each bringing to the table a particular vision of what works and how it might be attained, the unique requirements of the given

situation, based on the social and cultural history of the recipient country, may be overshadowed. In fact, as Kumar (1998) suggests, the concept of international neutrality at any level is seen as highly misleading and the very presence of foreign actors (in particular foreign actors with resources), is apt to upset internal power relationships and influence decisions.<sup>23</sup>

### **1.3.1 Cooperation and collaboration among development partners:**

Hidden in the concept of peacebuilding and the obvious complexity of the goal of conflict prevention is the need for flexibility, coordination, and cooperation among participating actors.<sup>24</sup> Where interests may be competing, the potential for difficulty in identifying the problems, planning corrective measures and executing a strategy, are paramount.

A primary difficulty, of course, may be in recognizing the cause of problems besetting conflict-prone societies. Are the causes of conflict rooted primarily in politics, economics and underdevelopment, or in ethnic, religious or racial tensions? What should be tackled first, or in what combination? The fact of the matter is that the root cause of conflict is unlikely to be singular, but rather may be found in a combination and interaction of factors. Given the complexity and interrelationship of human systems, it is unlikely that causes can be easily isolated in any meaningful way.<sup>25</sup>

Even though each peacebuilding mission is likely to present a different set of social, cultural, historical, political and economic circumstances, and as difficult as actual cause determination might be, an appropriate and probably unique plan needs to be set in place. Such planning must focus on the creation of activities and institutions that can be sustained by the recipient state after donor activity has been concluded. Consensus among donors, and ratification by the recipient of the course of action outlined in any plan, is an important first step. Failure to plan and execute with specific and focussed goals can lead to a wide range of undesirable consequences, from wasted time and effort by donors, to the unintended strengthening of corrupt systems, or an unhealthy and counterproductive dependence on donors.

### **1.3.2 Systems/parallel development:**

In as much as the specific causes of conflict are likely to be a combination of interrelated factors, 'capacity building' must recognize the interrelationship of systems within the institutions being addressed. In that any given activity is intricately linked to one or more other activities in a system, success in developing one area is likely to be related to success in another. From this, it is logical to conclude that where development activity is provided in one part of a system, the impact on other parts of the systems must, at the least, be considered. In so far as efforts toward institution building in justice are concerned, it is logical that development across the individual sectors (judiciary, police and prisons) is required before progress can be achieved in the system generally.<sup>26</sup> Likewise, internally within any 'system', such as in the police, there are interrelated subsystems that must be considered in a holistic approach, if progress is to be achieved.<sup>27</sup>

### **1.3.3 'Political Will' as an influence on success:**

The 'environment' within which institutional development or capacity building is undertaken figures prominently in the potential for its success. This environment encompasses local realities (including the economy, culture, and politics), into which the peacebuilding activity is brought and, as discussed previously, the extent to which change is required to facilitate sustainable development. Included within the environment is the notion of 'political will', or the extent to which transformation is desired, supported and nurtured by powerful elites and decision makers in the developing country.

In 'An Agenda for Peace' the UN Secretary General made reference to the importance of 'will' in any success formula. He referred first to the range of activities where the UN was experienced and equipped to assist governments that had the will to move forward; he then made reference to the absence of political will as the first reason for failures at conflict resolution.<sup>28</sup>

Political will is a concept that quite obviously is difficult to assess. How can it be known, in the absence of specific actions or statements, whether a will exists to see something succeed or fail? Yet, political will must be considered part of the 'environment' and perhaps is the most important consideration in sustainable

development.<sup>29</sup> Such political actions as the dismissal of key figures, the elimination of opposition, stacking of superior courts, unlawful or unconstitutional decrees rationalized as urgencies, while perhaps only questionable political practise when examined singularly, in the collective must be considered as purposeful attempts to protect and maintain a status quo. In fact, it has been suggested that such activities may be more debilitating to progress than even open corruption, black marketeering, tax evasion, private economic activities, and non compliance with social rules, in that they are reflective of attempts to control or dominate political processes, as opposed to simple financial enrichment. Not uncharacteristic of such political interference is the attempt to disguise it in formalism (in order to legitimize it), along with a wilful blindness and a blatant ignoring of the real goals of progress.<sup>30</sup>

Development, it has been said, is fundamentally the responsibility of the recipient, not the donor who acts mainly as a facilitator or leader.<sup>31</sup> Where action (subtle or otherwise), or conversely inaction, seems to always stand in the way of progress, can any other conclusion be reached than it is purposely intended to block advancement?

#### **1.3.4 Sustainable development and Success measurement:**

Sustainability has been defined as a program's ability to produce outputs and benefits that are valued highly enough that they command continued resources and attention to ensure continued outputs.<sup>32</sup> This definition is useful from a number of perspectives. First, it clearly states what is meant by 'sustainable', an indispensable element of any peacebuilding exercise. It also recognizes another important element, recipient acceptance of the value of the activity and commitment to at least maintaining, and hopefully furthering its goals. This definition also presumes that an activity, once underway or completed, is proceeding as planned and meeting the intended objectives. It is this aspect of the definition of sustainable that ties it closely with the element of success measurement.

Questions of success measurement are another fundamental problem in peacebuilding. In as much as broad and abstract notions of peace, stability and security are long term goals, the measurement of the success of interim steps remains elusive. To

the extent that peacebuilding activities suggest changed behaviour over time, it is necessary to judge successes or failures along the way. There is obviously little benefit in continuing activities that are either failing to meet intended objectives, or not establishing the foundation of the longer term goals.

Measurement and evaluation of activities, ( and indeed the flexibility to change what is not working), are important to ensuring that plans are on, and are kept on track. This is a particularly difficult exercise when considering the intent behind institutional development and capacity building of peacebuilding. At one level, administrative, operational and organizational aspects of institutions are the focus; changed behaviour, attitudes, and norms are ultimately the focus at another. In peacebuilding there may be no better example of this than development within the justice sector. Focussing on short term objectives that may serve only to be increasing an institution's efficiency and effectiveness is not necessarily any indication that the justice sector development is contributing in any way to the broader goals of justice, security, and peace. Indeed, it could well be that development activities are serving only to make a repressive system more effective and efficient.

While in institutional development and capacity building the setting of objectives is common enough, the measurement and assessment of them are often treated like quotas. This results in the counting of training courses delivered, the number of candidates in chairs, the policies written, the facilities built or refurbished, and the equipment purchased. Unfortunately, while such measurement may provide evidence of donor capacity to deliver a product, they are hardly evidence that the effort has been useful in facilitating real change, much less that the change is sustainable by the recipient. As well, objectives and goals may be set against the fixed duration of a project, or even against artificial time lines. A successful election on the part of the recipient state, for instance, is a popular goal/time line to fix the duration for an international intervention.

The problem of success measurement may be attributable to the general complexity of peacebuilding, but also to be considered is the impact of poor cooperation and coordination among the development partners, including the recipient state. This is

to suggest that if overall development progress is to be purposefully measured, it must be done against collectively recognized objectives, goals, and standards. From this starting point, the contribution and role of each development partner, including the recipient state, needs to be clearly defined. In the absence of consensus of what needs to be done, and how it is to be done, there is little chance of measuring accurately the impact of what is being done.

Problems of measuring success perhaps begin with a fundamental misinterpretation and misunderstanding of ‘programs’ versus ‘projects’ in international development, the characteristics of each, and the interrelationship of the two.<sup>33</sup> Brinkerhoff (1991) suggests programs are distinguishable from projects in that they are time fixed, while projects are ongoing. Characteristic of programs is a flow of resources and inputs that, for the period of the program, become part of the recipient government’s budget. They are in fact reflections of local government policy, and may include a wide variety of activities that can cut across organizational lines. Programs are geared toward immediate needs, at the same time are flexible enough to accommodate important systems’ interdependencies. Brinkerhoff suggests that a prevailing weakness of programs is apparent where they are not integrated with the longer term projects. Indeed, he suggests that if properly integrated, programs should in fact become serial in nature.

Required then, in melding projects offered by international partners in development, is consensus on objectives and goals, coordinated management, recognition of interdependencies, and long range planning. Further, there is the need for specific attention to measurement of program and project success as part of the overall strategy.

#### **1.3.5 Role of civil society in development:**

Another largely unresolved issue in peacebuilding is a determination of the role, if any, of the civil sector. In general terms civil society is seen to occupy the political space between the state and the private sector, yet outside of this notion there is no real agreement on the nature of the relationship or even where the boundaries between civil society and state are to be found. This scholarly disagreement is extended to include ideas of how, or even whether, civil society should play a development role in the



peacebuilding scenario.<sup>34</sup>

On the side of those who would de-emphasize the role of civil society are those who profess that 'civil' society, even within stable democracies, is not necessarily civil; it may be filled with competing interests that can fractionalize, and that can be potentially antagonistic. Alternatively, the growing role and potential benefit of civil society and non-governmental organizations (NGOs) in the developmental process of peacebuilding, is well recognized by others.<sup>35</sup> The changing influence of NGOs, from a focus on humanitarian intervention to one encompassing advocacy and education, is identified.<sup>36</sup> The need to involve civil society in development is reinforced by the idea that, in as much as it is the 'grassroots' that have the most to lose by failed international attempts to prevent conflict, they need to be involved in development that seeks to stabilize and build as a means of conflict prevention.<sup>37</sup> Likewise, Thomson, et al (1998), stressing the need to engage civil society in the peacebuilding process, argued that peace, to be meaningful, must be a peace that is evident in day to day life. Further, peace is not something that can be imposed, it is a reality that must exist from the community level to the state level.<sup>38</sup>

Even as the debate over the role of civil society in peacebuilding activities continues, one can hardly discount the notion that civil society has a vested interest in the success of peacebuilding. Whether or not it is given a role and included in the processes of redevelopment may well be moot, since civil society plays a role in supporting or not supporting changes that are made.

#### **1.4 The complexities of peacebuilding, summarized:**

Peacebuilding then, having emerged as a new tool of conflict prevention, is recognized as a complex process aimed at facilitating change. In that it targets the building or rebuilding of fundamental institutions of a society as a foundation of stability, development is likely to be both a lengthy and expensive process, with challenges that include identifying causal factors, followed by organizing a systematic attack on the problems. Implicit in the concept is the idea that partnerships, including the participation of the recipient state, must emerge to address these broad challenges. The dynamics of

any partnership further complicate the peacebuilding process in that the extent to which there appears to be consensus, cooperation, coordination, and common goals, is potentially muddled by competing interests, varying human and financial resources, and the experience of the donors. This dynamic includes the extent to which the recipient state is open and receptive to development as reflected in political will, and the extent to which civil society is included. Finally, peacebuilding is complicated by imprecise measurement of short term objectives against the broader, abstract, and largely unmeasurable (at least in the short term) goals of stability, peace, and democracy.

As stated previously, examining the development of the justice sector in Haiti, taking place in the absence of open conflict, and where international attention has been significant, allows for a closer look at the ‘partnerships’ that emerged in support of the peacebuilding exercise. First, however, a closer look at the history of the country will serve both to underscore the international community’s emphasis on justice development as a peacebuilding priority in Haiti, and to understand the nature of the ‘partnership’ that emerged among the international players involved in peacebuilding efforts.

## **Chapter 2     Haiti:**

### **2.1     A historical pattern of upheaval and violence:**

The discovery of the 'New World' by Christopher Columbus in 1492 began the colonial period on the island of Hispanola under Spanish control. This period saw the genocide of the indigenous Arawak Indians, the arrival of the first African slaves, the introduction of domestic animals, and the beginnings of a cane sugar industry. Without significant deposits of precious minerals, Hispanola became a stopover point for ventures to South and Central America. Profiting from the sparse population, the French, Dutch, and English used the island as a base of attack against Spanish shipping. In 1625, French colonization began penetrating the western end of the island until it was ceded to France in 1697, thus dividing the island between Spanish and French control. This began a period of significant economic prosperity in Haiti resulting from the growth of the sugar industry on the backs of African slaves, whose numbers may have reached into the millions. Most significant during this period was the emergence of a growing mulatto population and interracial tensions.

Revolution came to Haiti (known at the time as Saint Domingue - the western side of the island of Hispanola) in the form of a 'distorted extension' of the French Revolution at the end of the 18<sup>th</sup> century. Toussaint L'Ouverture, a former slave, rose to power amid a revolutionary chaos which had, at various times, seen French, Spanish and British forces in battle. Following a period of extreme violence, the slave revolt wrestled control of the island from the French at the end of the century. While there was a political awakening and slaves were freed, a civil war was to follow the victorious faction led by Jean Jacques Dessalines, who had assumed control following the capture and imprisonment (in France) of L'Ouverture. The revolution was complete and Haiti declared independence from France in 1804.

The parallels between Haitian and American independence notwithstanding, the US was nevertheless reluctant to support a revolutionary Haiti. Even abolitionists feared the potentially explosive example of the Haitian slave revolt spreading elsewhere. Importing slaves from Haiti and the Caribbean was banned in a number of US states, as it

was felt they would sow seeds of revolt. Indeed the US became the destination of refugees fleeing the violence in Haiti, just as it would again two hundred years later. In 1806, under pressure from Napoleon, the US banned trade with Haiti.<sup>39</sup>

Characterized by political instability, a persistence of colonial heritage, racism and inequality (in particular tension between blacks and mulattoes), environmental exploitation, and a declining economy, a very weak national foundation was established following independence. Despite the fact that it was the first 'Black Republic', and the second country in the hemisphere to declare independence from a colonial power (after the United States), Haiti was to suffer through 200 hundred years of political turmoil.<sup>40</sup>

## **2.2 US influence in the 20<sup>th</sup> century:**

In a new era of Western Imperialism and colonial expansion at the turn of the last century, US interest in Haiti reached a peak. The strategic importance of the Caribbean basin, domestic instability in Haiti, and foreign interests (German interests in particular) served as rationalization for an American intervention/occupation that would last 20 years (1915-34).<sup>41</sup> Kern Delince (1993) writing of his native country, claimed that Haitian history, particularly in the 20th century, is inseparable from, and cast by, American influence.<sup>42</sup> Development gains that may have been made during this period of occupation, however, could not be sustained in the absence of an infrastructure to support them. In effect, the American occupation 'superimposed' change without it being integrated in the fabric of the society and culture. What did emerge from this period of American domination was a firmly established 'elite' class of light-skinned Haitians, a new 'noirisme' (black consciousness), and an improved military.<sup>43</sup> It was the elite class, (5% of the population), created by the American economic and cultural intervention, and self-sustained through years of excessive individualism, nepotism and favouritism at the expense of the collective good, that stood-by watching as the country decayed; culturally, politically, socially and financially.<sup>44</sup> Lasting effects of the American occupation were a class and race consciousness that solidified tension between dark and light skinned Haitians, and a more efficient military that would be central in Haitian political life for decades.

US strategic and commercial interest in Haiti continued through WWII and into the Cold War era. These were evidenced in US support for the 30 year Duvalier regime, (Father and son, 1957-86), a regime that relied on a secret police and 'goon squads' to support its power. Wary of the military and the potential threat against him, Duvalier oversaw the creation of the Volunteers for National Security (the Tonton Macoutes), that supported the presidency/dictatorship through a campaign of fear, brutality, and murder. The Tonton Macoutes were to become so important to securing the Duvalier regime that eventually they would be elevated above the military in status.<sup>45</sup>

Following the end of the Duvalier era in 1986, Haiti attempted democratic exercises in 1987 and 1988. Each was marred by violence and military intervention. In December 1990 Jean-Bertrand Aristide, who had emerged as a charismatic and impassioned voice of the poor, was elected president by a two-thirds majority of the popular vote, in the country's first truly democratic exercise.<sup>46</sup> In September 1991 Aristide was overthrown by a military coup d'état and went into exile. The military immediately set about conducting reprisals against Aristide supporters. As many as a thousand were murdered in a period of two weeks, while many thousands of others attempted to escape the brutality by fleeing the country in unseaworthy craft of all descriptions, many headed for the shores of Florida.<sup>47</sup>

### **2.3 Events leading to intervention:**

With the Cold-War over, the strategic factor underlying Haiti's importance in the Caribbean basin was gone. Yet, once again the US government would have a direct impact on future events in Haiti. In the midst of the 1992 campaign for US presidency, Haiti became an important issue. While official government policy called for the return of Aristide to power, the question of how to deal with the issue of potentially thousands of refugees tended to define US government action with respect to the return of Aristide. Haitian refugees, ('boat people'), were considered economic, not political refugees, and were to be interdicted by the Coast Guard without the benefit of asylum interviews.<sup>48</sup> In light of the more lenient official US position on Cuban refugees, accusations of double standards and racism surfaced.<sup>49</sup> Economic sanctions against Haiti, enacted by the

Organization of American States (OAS), were supported by the United States as the preferred route to the return of the Aristide presidency. At the same time it was an 'open secret' that the Bush administration, and indeed the international community, mistrusted Aristide, who was often vocal in his attacks on capitalism and America.<sup>50</sup>

US Democratic presidential candidate, Bill Clinton, seized the political opportunity by promising temporary asylum for Haitian refugees, and professing the need to increase pressure on the military government. Nevertheless, following his election as President (taking office in early 1993) Clinton made a full policy turn on Haitian issues. He had inherited a failing policy of economic sanctions, which were having a grievous effect on the Haitian poor. If anything, sanctions were adding to the problem of fleeing refugees, as the economic situation became even more desperate. Intelligence reports indicated the likelihood of far greater numbers of asylum seeking refugees. While the return of Aristide to power was given priority as a policy issue, the Clinton administration was becoming increasingly frustrated with an arrogant Aristide who was openly critical of the US refugee policy. At the same time a vocal Black Caucus in Congress and the large expatriate Haitian population in New York and Miami, seized the same issue, and compounded the pressure on the Government.

In a thirty month period following the coup, various tactics of international statecraft, traditional diplomacy, economic sanctions and trade embargoes failed to reverse the situation. Politically motivated violence continued and even intensified with the creation of the notorious paramilitary organization FRAPH (Front for Advancement and Progress of Haiti), and its gunmen known as 'attachés'.<sup>51</sup> Military intervention, as a method of reestablishing order in Haiti began to gain at least a measure of popular support.<sup>52</sup> An expansive, US led intervention was planned, in response to what the United Nations Secretary General, Boutros Boutros Ghali termed a 'silent emergency'.<sup>53</sup>

Diplomatic efforts continued even as US troops prepared for an invasion of Haiti. In what became known as the 'Carter Mission', former US President Carter, along with Senator Sam Nunn, and General Colin Powell (rtd) negotiated a resolution. In an exercise of coercive diplomacy, backed by the threat of a US military invasion, an 11th hour resolution was brokered. US troops were literally 'in the air' en route to Haiti when

a settlement was reached.<sup>54</sup> The military government was retired with amnesty, and a US-led Multinational Force (MNF, to this point the invasion force) then mobilized to restore constitutional order, stop human rights abuses, and create a safe and secure environment to nurture democracy.<sup>55</sup> Aristide returned to power on the 15th October 1994, following the deployment of almost 23,000 troops under UN mandate.

#### **2.4 Rationale for justice development focus of peacebuilding activity in Haiti:**

The rationale for justice development in Haiti as a primary peacebuilding initiative stems from the history of dictatorial rule, (most recently by ‘Papa Doc’ Duvalier ‘et fils’), the human rights record of the de facto military government that ousted Jean-Bertrand Aristide in 1991, and the obvious weakness of all institutions of justice.<sup>56</sup> While constitutionally guaranteed, independence of the judiciary, and procedures for judicial appointment and legal representation were being ignored. Detentions were prolonged for almost indeterminate periods, as 80% of the prison population awaited trials. Moreover, trial decisions and detention rulings were often made at the whim of the untrained, corrupt, or politically influenced personnel within the judiciary. In as much as the penal system has a direct impact on the underprivileged class (60% of inmates were incarcerated for incidents of theft or assault, offences generally considered to be related to economic condition), these factors contributed to the common belief that the justice system was systemically corrupt.

Beyond the evident human rights violations of arbitrary arrest and illegal detention, health and sanitary conditions in the country’s prison system were atrocious. There was no adequate medical treatment of prisoners, children were housed with adults, and women with men, no inmate registration existed, and physical abuse of inmates by guards was common. When available, food was inadequate and often families would have to deliver food for imprisoned family members to ensure they were fed at all (a situation of course open to bribery and extortion by guards).<sup>57</sup>

Policing development represented even bigger challenges than the other two sectors of justice. Created in an environment of urgency, a new civilian police force was to fill the security void created when the military was disbanded in 1994 in accordance

with the Governor's Island Accord.<sup>58</sup> With no history of policing in a democratic model, and with no framework on which to build, this organization was to be created where nothing had existed before.

The need to concentrate on the development of the justice sector as a fundamental step to democracy was stressed by the exiled President Aristide in 1993. Aristide's notion of justice extended beyond the idea as justice as a foundation of democracy. Recognizing that a functional justice system was, at the same time a method of dispute resolution and enforcement and re-enforcement of the rule of law, he also saw it necessary to bring to justice those who had acted and conspired criminally to maintain positions of power. The judiciary, he suggested, should be consistent with and reflective of fairness and transparency.<sup>59</sup>

The stage then was set to begin peacebuilding activities. The military had been disbanded and relative stability had been attained. As well, there was consensus that justice issues were a primary concern in rebuilding the conflict ridden society, a position strongly supported by the returning President Aristide.



## **Chapter 3     Justice Sector Peacebuilding:**

### **3.1     Peacebuilding efforts in the justice sector:**

The United Nations Security Council Resolution 940 ( 31 July 1994 ), authorizing the use of all necessary means (including the use of force), to remove the military regime and return the legitimate government to power, established a mandate for the American dominated Multinational Force (MNF). Additionally the resolution called for the establishment of a stable environment, conducive to democratic process and economic recovery for Haiti, and for the establishment of a UN peacekeeping mission (United Nations Mission in Haiti - UNMIH), that would replace the MNF once security had been established. Also authorized was the creation of a unit of civilian International Police Monitors (IPM) to assist the MNF in the security transition. The IPM was later replaced by UN Civilian Police (UNCIVPOL) as part of the UNMIH.

A partnership of military personnel and civilian police elements worked in the peacekeeping mode, despite the difficulty of the mission as a result of some continued violence by Fad'h/FRAPH (Haitian Armed Forces, Front for Advancement and Progress in Haiti), and mistrust on the part of the civilian population of IPSF (Interim Public Security Force, which relied heavily on vetted Fad'h members). Other problems to be overcome were the slow deployment of the IPM, and a language barrier requiring a large force of translators. The difficulty and risk of the mission generally is emphasized by the fact that this was the first 'armed' UN civilian police mission.

The MNF and IPM transition to UNMIH was considered relatively seamless thanks to the collaborative efforts of the agencies involved. This collective effort was aided by a clear, simple and singular mandate, recognition of a leader (US administrative and technical support), shared planning, and joint communication and reporting.<sup>60</sup>

The formation of a civilian ISPF was a strategy to facilitate the bridging of the security gap created by the removal of the Haitian military. Meantime, formal plans were moving ahead for the creation of a new and permanent organization, the Haitian National Police, a corps with a more professional image that could gain the confidence of the population. ICITAP (US Department of Justice, International Criminal Investigative

Training Assistance Program) with a development plan already prepared, directed and logistically supported the training of new recruits in the HNP. ICITAP was staffed by contracted US civilians, and serving police officers from Canada and France.

UNCIVPOL collaborated with ICITAP by providing the newly deployed recruits with 'field training', following up on the basic training they had received. By May 1995, eight months following the return of President Aristide, the military had been disbanded, the FRAPH had been declared illegal, and newly trained HNP members had already begun to replace the temporarily placed ISPF.<sup>61</sup> With the deployment of some 5200 Haitian National Police throughout 1995, plans were emerging for international bilateral programs to join the early US and UN efforts.

The early collaborative efforts of the US, the UN ( and later the bilateral programs of Canada, US, and France), focussed on the police, with little emphasis on the judiciary and prisons as integrated parts of the justice sector.<sup>62</sup> The two phased plan, to create a civilian police to replace existing security forces in Haiti, was in fact being developed by ICITAP before the September 1994 intervention by the US-dominated Multi National Force. The first phase was to see the separation of the police function from that of the *Fad'h*, the vetting of violent elements of the military so that it could perform interim policing under the monitoring, mentoring, and informal training of International Police Monitors. A training plan and curriculum was created cooperatively by ICITAP and the Royal Canadian Mounted Police (RCMP). Plans were also established to coordinate the ICITAP 'basic training' with 'field training' and mentorship provided by the Canadian-led UN civilian police mission, UNMIH. This cooperation included standardized reporting and performance evaluation by CIVPOL. The plan also included collaboration with the MNF that provided logistical and technical support.

In what would prove to be a totally unrealistic mandate, a 5000 member civilian police force was to be created between January 1995 and February 1996, timed with the end of the UN mandate. The result was classes as large as 300, a size totally ineffective for technical learning and equally ineffective for evaluation of learning. The emphasis was clearly on "meeting the schedule", and to this end, any delays in training were not remedied by rescheduling, but simply by cutting sessions from the training programs. In

short, the effectiveness of the training was compromised by the need to move candidates through the process in a fixed period of time. Evaluation and follow-up were not part of the process.<sup>63</sup>

The commonly held notion of the need to develop such institutions through a 'bottom up' approach was overshadowed by the need to have managerial and administrative systems in place. There were in fact no managerial or supervisory elements capable of providing stability, control, direction, and guidance to the young and inexperienced recruits that had been deployed. In the absence of a 'systems' development, progress was slower than might have been expected, and the sustainability of any development success was greatly inhibited. To accommodate the slow progress, numerous UN mission extensions and renewals were necessary to assure a measure of stability (see Figure 2 at appendix). In order to facilitate the large numbers to be trained, programs were split between the HNP training facility in Port-au-Prince and an auxiliary centre at Fort Leonard Wood, Missouri.

The second phase of the plan, beginning in the Spring 1996, called for institutional development and professionalization of the police. The partnership of the peacebuilding exercise was expanded with the arrival of the bilateral development programs. At the same time the clarity and singularity of the international mandate was replaced by more complex references to professionalization, institutional development and capacity building. Unfortunately there were no specific ties in the donor mandates that emphasized the ideas of 'common risk' and 'common benefit' associated with a partnership. This said, at the diplomatic level there was American-Canadian dialogue on the interconnections of the peacebuilding work ahead, but the individual peacebuilding mandates were not closely tied. Clearly the US supported a strong and high profile Canadian presence. In some measure at least, this was seen as a hedge against criticism of American domination of activities, issues of sovereignty in Haiti, and as evidence that the peacebuilding mission, in spite of the disproportionately large US commitment, was truly international in scope.<sup>64</sup>

### **3.2 The sovereignty issue and state actor self interest:**

It was suggested previously that the influence of external actors and the extent to which there is imposition of values, beliefs and standards of behaviour, raises questions of sovereignty of independent states and points out the intrusiveness of interventions, even those that are humanitarian in nature. Similarly, it has been suggested that states involved in humanitarian interventions do so primarily with regard to their own welfare and security, and that there is little interest in supporting missions which do not serve their self interest.<sup>65</sup> To take this argument one step further, it also has been suggested that states may purposefully cover the real interest of a particular action by discourse which tends to throw attention in another direction.<sup>66</sup> Further, it is apparent that the interpretation of sovereignty is and will continue to be ad hoc as long as there is participation in UN decision making by states that themselves fall into the category of human rights violators.<sup>67</sup>

If we recognize the argument that the most powerful nations control the criteria for United Nations intervention, we must consider that the American domination of the United Nations Security Council played a role in influencing decisions to intervene in Haiti.<sup>68</sup> A review of events leading to the 'international' intervention clearly reflects this influence.

#### **3.2.1 The route and decisions of intervention:**

As pointed out earlier, Chapter VII, Article 42 of the UN Charter allows for intervention by force "to maintain or restore international peace and security", where the option of non-military sanctions has been unsuccessful.<sup>69</sup> Mills (1997) sees the language of 'international peace and security' as the justification for UN intervention in matters internal to states. He suggests that decision making within the UN with respect to Haiti was prompted, at least in part, by the massive movement of refugees, citing UN Security Council Resolution 841, and its reference to a humanitarian crisis and displacement of populations, as threats to international peace and security. In the three years between the time of the coup d'état and August 1994, it is reported that over 67,000 refugees had been interdicted and repatriated to Haiti, and another 14,000 were held at the US military base

at Guantanamo Bay, Cuba.<sup>70</sup>

The response of the international community to the overthrow of President Aristide was surprisingly unified (among Western nations at any rate), yet at the same time it involved a curious blend of political manoeuvring. The Organization of American States was strong in its initial condemnation of events, as was the Bush administration. Emergency meetings were held and statements of condemnation and calls for the re-institution of the legitimate government were issued. Economic sanctions were proposed and member states were urged to support them. The US followed with specific sanctions of its own, such as a freeze on Haitian Government accounts in the US. The UN, unable to pass a Security Council resolution in the face of opposition from China and India on the issue of sovereignty, backed the OAS action with General Assembly resolution 46/7.<sup>71</sup>

The 'Pacific Settlement of Disputes' as called for in Chapter VI of the UN Charter proved ineffective in bringing about resolution, despite tightened sanctions imposed by the international community. The porous border with the Dominican Republic was a primary reason for the failure, but not the only one. Early in 1992, the US Government exempted American companies with interests in Haiti from the sanctions. In fact, US trade with Haiti is reported to have risen from the year before. At the same time the refugee problem was growing, and the US (Bush Administration) enacted legislation to repatriate refugees without consideration of asylum. President Aristide, occasionally a vocal opponent of US policy, (specifically in the case of the refugee policy), had fallen into disfavour in Washington, while CIA reports suggested that the military leader of the government, L/Gen. Cédras, was moderate and uncorrupt.<sup>72</sup>

A change in the US presidency had a positive, but temporary, effect on negotiations. The Clinton administration had criticized the Bush policy on refugees during the US presidential election campaign, and showed public support for Aristide. When continued diplomatic efforts failed, a US favoured UN initiative (Resolution 841), called for the restoration of Aristide to power by June 23, 1993, a threatened ban on oil and arms to Haiti, as well as a global freeze on Haitian assets. This seemingly renewed commitment by the international community appeared to influence the Haitian military

and led to the signing of the Governors Island Accord in July 1993. Resolution of the situation seemed in sight, and dates were set for the withdrawal of Cédras and the return of Aristide in October of that year.

As Fall approached, however, the likelihood of fully implementing the Governors Island Accord seemed to vanish. Violence against Aristide supporters escalated, including high-profile political murders. When US and Canadian military and police personnel aboard the USS Harlan County, (dispatched and equipped only to monitor the return of Aristide), were met with a violent dockside demonstration by Haitian military supporters in Port-au-Prince, the Accord collapsed. UN sanctions, loosened following the signing of the accord, were reinstituted in Resolution 917 (13 Oct 93), and an economic blockade was put in place. Still, a forceful intervention was not openly considered as an option. President Clinton, with America stinging from the recent deaths of 18 US Rangers in Somalia, had ruled out the use of force, suggesting that he had no intention of sending in US personnel to Haiti until an agreement was reached.<sup>73</sup> Shortly thereafter, the Haitian military expelled UN/OAS human rights monitors from the country.

At the same time as the 'Chapter VI' strategy for international intervention was failing, the Clinton administration had reversed its position on the treatment of refugees. Intelligence reports that 200,000 Haitians were preparing to take to the sea seeking refuge in the US was enough for President Clinton to adopt the hardline approach of the previous administration. Failed sanctions and the refugee dilemma seemed to push US Administration thinking toward stronger measures.

In the wake of the failed attempt to implement the Governors Island Accord, (the withdrawal of the observer group aboard the Harlan County), followed by the evacuation of international human rights monitors, the US began planning for a forced entry into Haiti, providing, at the same time, for the options of a semi-hostile or permissive entry.<sup>74</sup> In May 1994, the US moved to have UN sanctions tightened, and UN preparations were being made for a military/police presence in Haiti, once the military was removed from power. In a parallel move, the US stepped up this more aggressive campaign with a show of military might through naval exercises in the Caribbean. By July the Clinton

administration was pressing the UN to authorize the use of force to end the stalemate.<sup>75</sup>

The UN approval came officially in the form of Resolution 940 (July 31, 1994), authorizing the use of 'all necessary means' to dislodge the Haitian military, return the elected government to power, and create a safe and secure environment. This UN action, the official shift from a Chapter VI to a Chapter VII (all means short of military action, to all necessary means), set the stage for the initiation of the September invasion, a hostile attack that was only narrowly avoided by a last minute diplomatic success. More importantly, at least from the perspective of the US Administration, the UN approval for a Chapter VII resolution legitimized the use of the force option for the US, an option that otherwise had little support domestically in America.

While the case for a Chapter VII intervention was clear in the context of the failures of the Chapter VI sanctions and the continuing violence, there is little doubt that decisions on the use of force were made by the US, then sanctioned by the UN. Whether or not the 'international community' would have acted without the US initiative is open to speculation, but support for the US driven action was widespread within the 'west' only.

### **3.2.2 Influence in post conflict justice sector peacebuilding activities:**

If the most powerful tend to influence international decisions to intervene in conflict situations, it is then rational that self-interest of the powerful states also tends to influence post conflict activities. This includes the action or reaction of the recipient state, and to a certain degree, other donor states or agencies. In Haiti, where the US was far and away the largest financial contributor, the Americans held a certain control over approvals, direction and speed of many development activities. In fact, this influence extended to the activities of the other development partners. If the US supported an initiative of another bilateral project, and/or the initiative was somehow interrelated with a US activity, not only was the project likely to obtain positive approval of the HNP, but any HNP contribution was likely to come with fewer delays and administrative problems.

This US influence over justice development was significant from the outset of 'peacebuilding' activities. Even before the 1994 US-led intervention, an American

designed development plan had been created to remove the policing function from the Force Armée d'Haiti. The plan included vetting military personnel to form an interim security force, and the creation of a new civilian police.<sup>76</sup> While the plan was created as the 'blueprint' of policing development, in fact, it was never considered as such by either the Haitians or the other international partners. The creation of the plan, however, before the intervention, was a clear indication that US influence had only begun. US funding of the initial police training (including the establishment of an auxiliary training site in Missouri), the use of US-developed training guides and lesson plans, and foreign police (principally Canadian and French) contracted to the US executing agency (ICITAP), are further indications of the extent of US influence in the early stages of post conflict activity.<sup>77</sup>

Even as bilateral programs began in 1996 (US, Canada, France, as well as a United Nations Development Mission (UNDP) mission, joining the UN Civilian Police in development activities), US influence continued, sometimes to the detriment of other development programs. Administratively, while other projects were subjected to an epidemic of rescheduled activities, cancellation, and unexplained delays of all kinds, US access to police and government officials was unfettered. This access, indeed access to information as well, was facilitated by the discreet US placement of a Haitian-American as the executive secretary of the HNP Director General.<sup>78</sup> Moreover, US contracted employees were responsible for numerous important positions in policy development and planning, including the position of Police Academy Director, a position held by a retired US Army colonel.

At an operational level US influence also tended to impact other development programs in terms of the availability of HNP candidates for training. Soon after development activities began, in the follow-up to the basic recruitment and training, the HNP took independent responsibility for police operations from the international community. By December 1996, most of the scheduled 5200 HNP recruits had received basic training and had been deployed throughout the country. While a new police force was seen to be in place, at that point the organization was at such a state of infancy that it could hardly be called a police service at all. Indeed, it was barely capable of even the



most basic response in terms of public service. The organization was still in need of extensive development and professionalization in every area of its function and administration, and now it was burdened with responsibility for the policing of the entire country.

The pressures of operational deployment soon conflicted with the development opportunities presented by the arrival of bilateral programs ready and eager to begin assisting. Simply stated, the HNP did not have sufficient financial resources, human resources, nor indeed even the administrative capacity to deal with having large numbers of their personnel involved in training at any one time. Even though at that point the HNP contribution to the development 'partnership' required only that training candidates be identified and made available for training, it was incapable of meeting this basic challenge. The HNP simply could not afford to let large numbers of operationally deployed people be away from their posts for extended periods. This reality was made worse by the growing numbers of people who were absent from their posts, or who abandoned them altogether. At the same time the 'partners' were each preparing for training courses and expected candidates to fill their class rooms. There were simply not enough candidates to go around. Poor coordination and planning resulted in lengthy and expensive delays in getting programs up and running. The inefficient use of resources was very costly to programs generally.<sup>79</sup>

Curiously, US sponsored programs for development of 'specialty units' like Special Weapons and Tactics (SWAT), Narcotic Investigation, Presidential Guard, and Palace Security, (highly suspect priorities in the context that the HNP had deployed over 5000 new recruits with virtually no supervision, management, or administrative support across the country), proceeded without delay. Conversely, other programs, (among them management training, a high priority even to the casual observer), were often delayed for weeks at a time, and usually without notice.

US attention to self interest was equally apparent as was its level of influence. Primary here was the US concern with issues of narcotics trafficking, and in particular the movement of cocaine by Colombian cartels, through Haiti, to US destinations. While the emergence of Haiti as a narcotic transshipment point was undeniable (cartels profiting

from the direct sea route toward Miami, unguarded coastal areas, and opportunity to influence poorly paid local officials), the HNP's ability to counter international drug trafficking activities was clearly well down on the list of development priorities. Indeed, drug use in Haiti was very limited at best, and the Haitian police, a new-born institution, had far greater challenges in legitimizing itself to the public at large. Among other evidence of US concern over drug issues was a high profile visit to Haiti by the US anti-narcotic czar, retired Army General Barry McCaffrey. Less obvious was the attention to narcotic issues on the part of the US Coast Guard as reflected in its development activity with the Haitian Coast Guard.

Beyond the training of an HNP narcotics unit, the US installed its own investigative unit of the Drug Enforcement Administration (DEA). Reported as a group of 8 investigators, this group grew to as many as 16 by 2000, in contrast to the one DEA 'liaison' position in place in 1996 when bilateral 'development' activities began. While one would have expected that this group would have had at least a limited training and development role; in truth the unit had little to do with Haitian investigators. In fact, the American-trained Haitian narcotics investigators rapidly gained a reputation as a corrupt group, and had few operational links with the DEA. Any Haitians involved with US investigators were tightly vetted and often subjected to polygraph examinations.<sup>80</sup>

Also focussed on narcotics investigation and intelligence gathering, the US established a Haitian office of the Joint Intelligence Coordination Centre (JICC), an American-driven anti-narcotic information network in the Caribbean, Central and South America. To staff the centre, which exists to serve US interests almost entirely, US officials 'seconded' criminal intelligence analysts from the ranks of the HNP's Bureau de Renseignement Judiciaire (BRJ).<sup>81</sup> Despite the fact that the seconded staff (as many as 6, half the BRJ unit, was at one point considered) had been assigned an important role in the security preparations for national elections (1999 Legislative, 2000 Presidential), they were to be moved to serve US interests. Not only was there only limited consultation, it was clear that the HNP Director General was under intense pressure to accede to American demands as they related to narcotics issues. 'Certification', a US designation of a country's contribution in matters of international drug trafficking, demanded it and

development 'aid' generally was tied to such certification.<sup>82</sup> Not only did this action on the part of US authorities impact on the authority of Haitian officials, it also had a direct impact on the Canadian bilateral program. In what had proven to be one of the more successful of development programs, the BRJ was a development responsibility of Canada. Canadian bilateral resources, and two years of work toward developing this unit, were unilaterally directed toward supporting US interests, at the expense of the recipient state.

Yet another example of the extent of American influence and its impact on the sovereignty of Haitian officials was evident during the security planning by the HNP in preparation for the elections of 1999 and 2000. Focussing on traditional political 'hot spots' like the regions of Gonaïve, Fort Liberté, and Cap-Haïtien, plans for necessary personnel, equipment and even facility repairs, were underway. While a part of the overall development plan, these initiatives received a higher priority in the context of election security needs. Indeed new development assistance (financial, developmental and matériel), was sought to deal with election security. As plans were unveiled to the international community it became clear that US self interest had again tended to influence decisions. According to the plan, police facilities along the west coast of the island, far from the political 'hot spots', but prime drop points for Colombian drug traffickers, had been identified for facility repair. Once again American influence tended to impact not only decisions of the recipient state, but on those of the other development partners. Since significant Canadian resources were designated for facility repair, this decision would have had direct impact on where Canadian resources were to be spent.<sup>83</sup>

Unquestionably the related issues of infringement of sovereignty and great power self interest were at play in Haiti, before, during and following, the intervention. In the sequence of events that preceded intervention, the extent of US influence was evident. Motivated, as much by the threat of economic and political refugees heading for the southern shores as by the need for humanitarian intervention in a conflict ridden society, the US led the international intervention in every respect. In fact the UN sanctioning of the 'international' action seemed to be well coordinated with the needs and timing of US plans.

In the post intervention period (the period of peacebuilding and focus on development), the influence of the US was equally significant. Not only did the US dictate the direction and speed of development, always with a eye on its own self interest (primarily issues related to international drug traffic), but other development programs were affected as a result. There were no illusions among the international partners in this respect; the US held the largest purse, and as such, wielded significant influence over all activities. To this extent, ensuring that programs did not conflict with US programs was important to the potential for success of other development projects.

The emphasis on US self-interest is not to suggest that Canada and France, as the other major players in justice development in Haiti, were not also concerned with there own issues of self-interest. Certainly each frequently participate in international missions at various levels, profiting from international exposure through multilateral and bilateral actions. Indeed, Canada has built an international reputation as a multilateral ‘peacekeeper’. In the case of participation in justice development in Haiti, both furthered their stature in the United Nations and ‘La Francophonie’ (global community of French speaking states). Yet, the extent to which each was a minor player in comparison to the US served to render the evidence of Canadian or French self-interest more subtle, and less influential. In fact, as will be discussed, the extent of the US contribution, and US self-interest, influenced the contribution of the lessor international contributors.

### **3.3 Cooperation and coordination among development partners:**

#### **3.3.1 Policing:**

Where outside agencies or states are to assist in providing the means of change through peacebuilding activities, the extent to which there is real cooperation and collaboration by all the players will tend to have a positive effect on the likelihood of success. Beyond needing a variety of funding sources, in as much as few potential donors are either willing or able to take on peacebuilding mega-projects, the need for coordinated activities is self evident. In this respect, there was no misunderstanding among donors regarding the importance of collective goals. The language of facilitation (promotion of acceptable standards, strengthening and capacity building, assistance and

support, cooperation and collaboration) is ever present in describing the strategies of multilateral and bilateral contributors to peacebuilding.<sup>84</sup>

Still, the distance between the rhetoric and practice is great. While it is easily understood that real collaboration is difficult enough, even in a bilateral donor-recipient relationship (the underlying current of dominance and control being ever present), where multiple donors are involved, the problems are bound to increase accordingly.

Following the return of exiled president Jean-Bertrand Aristide, ICITAP drove the effort to recruit and train a civilian police force to replace the deposed military.<sup>85</sup> In the spring of 1996, Canada, UNDP and France instituted bilateral development projects that would work along side the US program, and the multinational CIVPOL.

At the same time as this collection of in-country 'donors' all appeared to emphasize the importance of creating a capable and professional civilian police, from the outset there was little cooperative effort among them. A joint committee, comprised of the international project directors and headed by the HNP Director General, was created in 1996 to coordinate initiatives in addressing needs detailed in the HNP Strategic Development Plan.<sup>86</sup> In spite of this positive step, the various development 'partners' often worked independently, seeking approval to start their own initiatives without consideration of their impact on planned or ongoing programs, the long-term impact on the HNP, or the ability of the GOH to sustain any development. For a time there was a virtual competition among international partners to get Haitian police officers off the street and into classrooms so that individual projects might show progress. This not only created tension among the international partners, but stressed the HNP which was struggling to meet its operational commitments, in that it had inadequate resources to have people in a 'training mode' for extended periods. Control and direction on the part of the coordinating committee never materialized, and, in the following years, three subsequent attempts to create an effective coordinating committee also failed. What should have been an 'international effort' soon developed into a series of poorly integrated independent programs.<sup>87</sup>

Canada proposed and initiated a 'business planning' process, to assist the HNP in directing its own development activities and coordinating the international partners, using

the HNP Strategic Development Plan as the starting point. Unfortunately this plan met with resistance from the Haitians and ambivalence from the other international partners. The process involved 24 subject matter experts, working in conjunction with Haitian department heads and their mentors from the international community already on the ground, to create a 5-year international development plan focussing on key administrative and operational areas of the police service. Rolled together, these plans were to provide details of policy and procedure, facilities and equipment, personnel and training, and financial resources necessary to build and maintain development. Further, such planning was to organize and divide the contributions of individual donors and the Haitians themselves in a coordinated and partnered strategy. Equally important, the process was to be guided by a distinct focus on what was sustainable, at the same time as it was a learning experience for the Haitian managers.

While supported by the HNP Director General, the entire process proved to be difficult at best, achieving only limited success. For the most part the international partners did not, in reality, cooperate in aligning their plans to a central strategic document. Access to many necessary documents such as budgets and financial reports was denied by Haitian government and police officials alike. Whether because of a lack of understanding of the benefit of a more business like approach, a desire to remain independent, or a resistance to being accountable to one another, and to the recipient country through a partnered planning document, a coordinated business approach was not embraced by either the Haitians or the other international partners.<sup>88</sup>

### **3.3.2 Prisons and the Judiciary:**

To this point we have tended to focus on the partnerships and cooperative efforts that existed in the area of policing development and the weaknesses created by an absence of common goals, incompatibility among partners, state self interest, and more generally, an absence of desire to overcome the differences. Development of the prison system represents another, yet different, example of the poor collaborative effort on the part of the international partners. Here the absence of collaboration began at the diplomatic rather than the field level. Among the major development partners only the

UNDP and USAID were actively involved in prison reform.<sup>89</sup> Other partners purposefully avoided and continued to resist involvement in this area of the justice sector.

In brief, the international community paid little attention to prison reform, and it could be argued that even less attention might have been paid had it not been for publicity surrounding the court martial of US Army Captain Lawrence Rockwood. In 1994, Rockwood, contradicting specific orders, paid a late night visit to the National Penitentiary, and was disciplined as a result. In the wake of publicity that resulted from the case, some immediate attention was paid to problems within the prison system. US Army engineers assisted with some urgent repairs, US Special Forces began training of guards, a facility for women and children was established in Port-au-Prince, and coordination was attempted with MICIVIH [United Nations Civilian Mission in Haiti (Human Rights)] and certain NGO's. In fact, for a time CIVPOL (outside its mandate), took charge of prison administration at the local level and coordinated with a Haitian NGO to deliver meals.<sup>90</sup>

Much of this early attention, however, was on the initiative of local commanders and managers and certainly not part of any multi-lateral plan to assist development in the prison system. By the time that the major bilateral programs were begun in 1996 and CIVPOL command changed from Canadian to French, international interest in assisting in prison development had waned in the face of other priorities. Among the justice development partners, only UNDP contributed to this area in any significant way. However, even the small UNDP project focussed attention largely on matters of policing. While started on the road to progress, prison development was severely restricted by the minimum resources available to address the complete range of development needs. By 1998 UNDP managers working in Haiti, openly, but unsuccessfully, canvassed other justice development programs, attempting to forge partnerships that might result in at least some additional funding.<sup>91</sup>

While the atrocious conditions within the Haitian prison systems were recognized as a fundamental weakness in the judicial sector, policing remained the focus of the vast majority of development efforts. Indeed, there was a 'hands off' approach to prison

reform. While integral to a functioning justice system, prisons had a very low profile and thus were given a lower priority in terms of security and stability in Haiti. Interestingly prison development, important as one of the three pillars of justice, was the activity that most clearly focussed on fundamental human rights (food, health, basic living conditions, and personal security). Nonetheless, among the development partners, it received the least attention, and certainly did not benefit from any partnership among international donors.

The extent and success of partnerships in the development of the judiciary was different again. Early efforts, beginning in 1995, were largely American, and led by the Agency for International Development (AID), AOJ project (Administration of Justice). Millions of dollars were made available to a program that was to see numerous activities planned over a four year period including repairs to facilities, training for justices and magistrates (including investigative training, a function of the judiciary in Haiti), monitoring of judicial performance, developing case inventories, case management training, and legal reform.<sup>92</sup> In 1996 Canadian and French bilateral programs were introduced that were to work cooperatively in the area of judicial reform through training and administrative assistance. Naturally, as has been discussed previously, the Haitian role as development partners was understood as supporting and facilitating sustainable change. As with policing development, there was no shortage of resources available. Unfortunately there wasn't an equal measure of commitment or will on the part of the Haitian partner to make changes; as well a consolidation of the effort of the international partners was also wanting.<sup>93</sup>

Despite the money and human resources available to justice programs, efforts simply failed to meet even the first steps of real and sustainable change. The judicial system and surely the government of Haiti itself, seemingly oblivious to both the need for and opportunities to change, "continued to operate as in the past, still a prisoner of ignorance, corruption, intimidation, and impunity."<sup>94</sup>

The absence of real commitment on the part of Haitians was central to the lack of success on many fronts. The failure to move forward in justice reform had a tangential impact on police development. Even the modest gains in professionalizing the police



would be doomed to failure in the presence of a judicial system that was seen to be working at cross purposes. As critical as the link between police and judiciary is in any system, it is even more so in a 'Napoleonic' system as exists in Haiti, where the courts and its magistrates are ultimately responsible for the control and direction of criminal investigation, with the police playing a support role. Most importantly though, public confidence was at stake. A strong and transparent justice system was considered key to stability and thus would serve as the foundation for economic development. Yet there was nothing to indicate that any change was forthcoming. The will of the elite to see change occur was surely lacking, and the international partners were aware of this. In 1998 all efforts in the area of judicial reform came to a virtual standstill as international assistance was suspended.

Finally, at the end of 1999, as the series of CIVPOL missions was coming to a close, the first real discussions took place among the international partners regarding a more focussed and coordinated approach. At this time a follow-up mission was being considered, one paying more attention to the broader outcomes across the justice sector including human rights issues. This mission would see the placement of 85 technical advisors assigned at various levels of management within the justice sector, with a focus on the police and human rights issues. While such placements did occur, in truth their impact would be minimal.

The die had been cast in the first four years of international assistance. The Government of Haiti and its police were in reality no better partners than they had been in previous years. In fact, government officials were reluctant even to sanction a further UN mission, citing a continued UN presence as reinforcing a perception of government weakness and ineffectiveness. In order to have the mission approved, the UN had to agree that the mission would be non-uniformed, unarmed, and could not have the 'United Nations' in its name. As well, no attention was being paid to the sustainability of programs completed or nearing completion. Issues of corruption and politicization were not being concretely addressed. Most importantly, the positive step of consulting with the bilateral partners in preparing the mission was offset by the reality that the bilateral partners were considering downsizing and even withdrawals as projects were coming to

term, and in the face of less than acceptable results.

### **3.4 The baggage of multilateralism:**

The absence of a collaborative and cooperative relationship among partners appears to be exacerbated by the extent to which they bring different skills, experience and resources to the development table. Here, a detailed analysis of the ‘baggage’ of each of the international partners is not as important as an understanding of how, in the absence of common goals, these differences were not overcome and ideals of cohesive working relationships that could have resulted in greater effectiveness and efficiencies fell by the wayside. (Figure 1, at appendix, outlines elements for comparing the contributing partners to the development initiative in policing. Differences are apparent, yet these would seem to be only minor impediments to efficiency and effectiveness, if there was agreement that development is best focussed on the unique needs of the ‘client’.)

The primary bilateral actors in justice development, the United States and Canada, were also important multilateral participants in the UN mission. At the same time France, while a very minor bilateral player, dominated the UN civilian police missions after 1996 by virtue of having the largest representative contingent, and holding control of the missions’ executive positions. As it turned out, the switch in control of the UN police mission from Canada to France signalled the breakdown of multilateral cohesion in policing development.<sup>95</sup>

Prior to the change in CIVPOL leadership, international civilian police deployed ‘in the field’ were well coordinated, with bilateral initiatives focussed on the basic training of police recruits. In the absence of a solid management and supervisory structure in the new police organization, recruits were tutored and mentored by the CIVPOL in a ‘field training’ program, designed to reinforce the lessons of ‘basic training’ in an ‘on the job’ format. Considered by the HNP (Haitian National Police) and the international community to be a highly successful initiative, this program was stopped when direction of CIVPOL was turned over to a French Commander.<sup>96</sup>

Steeped in the traditions of reactive, garrisoned, para-military policing, the new

commander was totally unfamiliar with, or simply rejected, this form of on the job training. The principles and philosophies of community policing, which were considered fundamental to the training program itself and important to the acceptance of the new police by the public, were also rejected. Under the new command, CIVPOL retracted from a close working relationship with the young HNP members and returned to a strict monitoring and formal training regime. Joint patrols by HNP and CIVPOL were no longer the norm, and routine and purposeful interaction with the public ceased.<sup>97</sup> Young HNP members soon lost interest in CIVPOL acting as 'overlord', and the cooperative working relationship, including the one with bilateral development partners, soon perished.<sup>98</sup> This represented a clear breakdown in what had been a promising collaborative effort. Moreover, it is an excellent example of the impact of colliding principles, philosophies, experience and systems. It set a tone of independence of action from which the international 'partnership' never truly recovered.

Curiously there were divergent opinions even on the degree and effectiveness of cooperative efforts. The UNDP, in a 1998 Evaluation Report, recognized that different international programs are motivated differently, that each has its own limitations, and that diversity of resources and experience can be a liability. Yet, the report was not highly critical of the failed cooperative efforts, suggesting that the situation was not as bad as experiences in other countries, and that international efforts were far from being fragmented, wasteful or counterproductive. Curiously, the same UNDP report described the work of CIVPOL (MIPONUH, United Nations Police Mission in Haiti) as uneven, erratic, and in need of strengthening; this, while stating that the CIVPOL performed essential tasks in middle management and 'on the job' training.<sup>99</sup> The truth of the matter is quite simply that after 1996 and the change of CIVPOL command, there was no coordination of CIVPOL 'on the job' training with the training elements of the US or Canadian bilateral programs, or with the Haitian trainers, situated at the Haitian National Police Academy. Further, CIVPOL and Canadian mid-management training programs were never coordinated in any way, shape or form.

In international planning meetings in the Spring of 1996, Canada was assigned the responsibility of mid-management training by the HNP Director General. A

management development program was created in conjunction with the Haitians, which was unique to the Haitian culture, and specific to the operational realities of getting training to the candidates. CIVPOL command, not recognizing the principles and goals of the Canadian designed program, simply began its own ad hoc program, built on a French model. What is most significant about this scenario is that the Canadian program became widely accepted by the HNP as effective, progressive, and specific to their needs. The program grew to include much needed executive mentoring and a plan to have the HNP take over its own basic management training needs. While this program was by no means an overnight success, it gained a reputation of providing highly professional development and, most importantly, was recognized as an activity that was specific to Haitian needs. In time the program was so well received that by 1999 Haitian police executives were taking the training during off hours and on weekends. There were even requests for the training from within the Ministry of Justice.<sup>100</sup>

There was no such success for CIVPOL directed training, nor was there recognition that something other than a French directed program might be more appropriate. There was no plan to have the HNP take over responsibility for their own training, and the program, ad hoc as it was, and without support from the Haitians themselves, simply died at the mission's conclusion in the spring of 2000.<sup>101</sup> (See, UN missions in Haiti – Appendix 2.)

The utility of multiple actors in the service delivery of peacebuilding activities is also restricted by the complexity of their bureaucracies, the degree to which there is inflexibility in their approach to development activities, and the financial resources available as 'seed money'; (this is development funding for specialized training, equipment, or infrastructure, or to 'kick-start' a given initiative, with the intention that the recipient will eventually assume ongoing costs). The notion of inflexibility focusses on the fact that 'off the shelf' training or development plans, known to be successful in a donor country, are not necessarily effective or sustainable in the context of the recipient state. This has been a recognized problem in Haiti from the outset of development in justice. Attention was often paid only to the immediate results, emphasizing the number of candidates trained, and not the quality or utility of the training. When there is no

flexibility of approach, and no consideration of local realities and local input (the keys to legitimization of democratic processes), the notion of sustainable processes, can easily be lost.<sup>102</sup> This was the case in Haiti, where very often it seemed that what was perceived to be getting done was more important than quality and sustainable development.

Evidence of inflexibility in the development approach, an inability to provide a service that was specific to the cultural, social and environmental realities of the situation, and therefore having a greater likelihood of sustainability, was prevalent. American sponsored programs generally followed generic plans of ICITAP that had been developed for and used in other countries within the US sphere of influence. For example, training outlines and lesson plans that had been used previously in places like Panama and El Salvador were evident. Where a generic plan was unavailable, course materials were often prepared on the fly, even as training was being conducted. Evaluation and follow-up were simply not part of the equation. In the same vein, UN programs, administered by the French Command, were similarly selected and applied in accordance with the procedures of the 'Gendarmerie' of France.

Were it not for the sad waste of valuable training resources and time, the total irrelevance of some of these programs to the Haitian realities would be comic. The US major crime investigation course, where forensic evidence in the context of the 'O.J. Simpson' murder investigation was discussed, is a prime example. Not only did Haitian law not recognize forensic evidence, the police had never been exposed to it, were incapable of collecting it, and the instructor, contracted on a quick 'in and out' basis was oblivious to the fact that the puzzled looks on trainees' faces was due in large part to their never having heard of 'O.J.'. Other examples, equally bizarre, abound. The US led drug investigators course, with its emphasis on shooting skills, and running in troop formation, chanting Marine Corps spirit songs, was among them. The Haitian police band playing the Michigan State University 'fight song' was another oddity.

The UN was no less guilty of an ad hoc approach, although without even its own generic format. The capacity of the UN to provide training and development was at the discretion of the Commander. When Canada was in charge Canadian entreés were presented; when France assumed command of the mission, the menu changed.

This absence of flexibility is particularly important in the Haitian experience of policing development. The US had tremendous financial resources at their disposal, and the UN had large bodies of human resources. Thus each had a potentially important contribution to make, but were inhibited, in large part, by their own bureaucracies. In the case of the US, under pressure of a watchful Congress, programs were tightly focussed on results, measured in terms of quantity, not quality. Sustainability, a word used appropriately to describe what needed to be done, was never of real concern when things were actually being done.

The emphasis on the 'short term' was evident, even in the early stages of US bilateral efforts. Under pressure to train and deploy over 5000 police recruits to fill a security void created by the departure of the military, there was little attention paid to evaluation and follow-up. The emphasis was on pushing the recruit out the door with a uniform on his or her back, as a sign of progress in development and general stability. While the visual presence of a uniformed 'Haitian' sent the right political signals of security and stability, the appropriateness of the training and its sustainability was of little real importance. By 1998, in the face of general evidence that the justice sector was not progressing as hoped, and a Haitian government that sometimes seemed resistant to change, ICITAP was becoming bound by regular Congressional reporting to rationalize continued expenditures.<sup>103</sup> This internal accountability, while obviously important to the US government, clashed with the notion that capacity building is a long term exercise.

In the case of the UN, the 'training and development' contribution to the peacebuilding exercise was very much a function of the mission itself. A large number of countries contributed, representing a wide variety of experience and expertise. Generalists, with minimum levels of experience and expertise, were recruited for the very specific task of a peacekeeping role. When the peacekeeping role gradually transformed into a peacebuilding role, and as immediate problems of stability gave way to questions of sustaining stability through a more capable and professional police, the UN simply could not accommodate the changed mandate. It was not uncommon, especially among less developed countries, to send peacekeepers (even entire contingents), that were barely more capable in policing than the Haitians they were expected to coach and mentor.<sup>104</sup>

This did nothing to improve HNP/UN relations on the ground. At another level, the UN missions were not long term propositions, and were subject to regular renewal on the basis, not only of the progress made, but the extent to which the major contributors were willing to continue contributing. The difficulty of planning a long term and sustainable contribution in such circumstances is obvious. To make matters worse, the UN mission, having to make the transition from peacekeeping to peacebuilding, had no financing to kick start programs. The United Nations' strength was its numbers (international police numbered as many as 600 in the first years, and later reduced to 300, see appendix 1). This strength needed to be exploited through cooperative efforts with bilateral programs that had both money and expertise, but that lacked the human resources to ensure country-wide exposure to programs, and to provide follow-up. In the absence of a cooperative effort, not only was the potential effectiveness of individual programs and projects diminished, so too was the collective effort of the international community.

The absence of real coordination and collaboration by development partners also impacted the attitude and collaborative contribution of the recipient. Where one 'partner' or another was slow to react to a particular need or request, there was a not so subtle tendency to 'shop around' among the international partners, looking for a quicker or more lucrative deal. It was also the case that programs of training or development were started, but not followed through. If neither the donor nor the recipient were able or prepared to expend the necessary resources to see a project through to completion, it simply died. At another level, where development contributors had limited cash, they were less likely to grab and hold the attention of the recipient. In short order, overlapping activities and wasted time and resources became a source of real frustration among partners, and most assuredly the governments or agencies they represented.

Over time a greater degree of coordination was evident, however, it was not in the form of a collective arrangement involving all partners. Limited cooperative efforts between individual donor/partners were, more often than not, motivated by a desire to economise by sharing financial and human resources, rather than a rooted desire to work together for the greater good of the HNP. Motivation aside, partnerships between US and Canadian programs were, by far, the most apparent and the most successful.

Nevertheless, even these were still weak in their own right.

An example of one of the Canadian-American donor partnerships illustrates both the strengths and pitfalls of such arrangements. Generally, the need of the Haitian justice system to deal with even the most rudimentary elements of forensic evidence was recognized, among other priorities, as being important to development. This need called for training and development within the police and the judiciary at all levels, from the collection of evidence to the judicial recognition of its value in criminal inquiry. The magnitude of development challenges in this area, considering that the Haitian judicial system did not recognize even the most elementary aspects of criminal justice science, made it an undesirable project for any singular donor. While the US had significant resources to contribute, it was incapable of providing training in the French language. Further, ICITAP, in that it is a coordinating agency generally reliant on contracted employees, had no 'systems' in place on which to lean for administration and execution. CIDA (Canadian International Development Agency), on the other hand, without the same financial resources, could provide program administration through the R.C.M. Police, which had training and development systems, human resources available, as well as the capacity of service delivery in the French language.

A development partnership was struck, with the Haitian Director of the 'Police Scientifique' (the forensic branch of the Judicial Police) playing a lead role in planning and executing development activity. A general split in activities saw the Canadians responsible for development of Police Identification Technicians and administrative/managerial mentoring to the Director, with ICITAP responsible for Laboratory development. The lines of the split became indistinct once the program began. In the spirit of collaboration, and as insurance of steady progress, both donors contributed to the other's area of concentration.

However, despite some early and significant progress, this joint project was to fall victim to a number of realities that were not, or could not be foreseen. First among these was the absence of parallel development in other areas of the Judicial Police. This is important because the capacity in forensic sciences exists to support investigative branches. When the investigative branches failed to use, or simply ignored the forensic



technicians, early and rapid progress was halted. Likewise, within the Judiciary, while some introductory training in matters of criminal justice science was available, it was ad hoc at best, and there was no acceptance of the new 'experts' and the capability they could bring to assisting in investigations. In truth, by the time a technical forensic capability was emerging within the police, development in the Judiciary had been all but abandoned by donor countries. The Government of Haiti (GOH) had shown little incentive to move the Judiciary forward, and as opportunities waned to build credibility for technical development, the initiative began to flounder.

Unforeseen, or at least temporarily forgotten as a potential block to program success, was the paternalistic attitude of certain members of the HNP executive ranks toward the Director of the Police Scientifique, a woman. Despite the clear support of the police Director General, blatant chauvinism and patronizing attitudes among her colleagues were not uncommon. In the context that the Branch was struggling for its position in the organization, this attitude cannot be discounted as an important impediment to the success of this program, as well as others where women played key roles.

Another, and perhaps the most significant stumbling block was the attitude of the HNP and the GOH toward the sustainability of the program. A detailed development strategy had been created as part of the business planning exercise described earlier in this section. The plan called for the Haitians to take responsibility for ongoing development at the earliest opportunity after basic training; equipment and supplies were provided in the first instance by the Canada-US donor partners. This was not forthcoming. In fact, the Haitians failed to contribute financially even toward basic operational maintenance (ie: buying film for cameras). This failure had an important impact. Precious resources of the donor partners had to be used to sustain a programme where they should have been available to fund further development. Indeed, Canada and the US were spending money to sustain a Haitian programme that was already capable of operating independently, albeit at a basic level. In fact Canada and the US were having to spend development resources in order to protect their development investment.

In time, this marginally successful program would fall victim to the general lack

of progress. Indeed even the successful US-Canadian collaboration was erased when ICITAP was withdrawn from Haiti (summer 2000), leaving Canada as the sole programme supporter.

### **3.5 Systems/Parallel Development:**

A recognized weakness of peacebuilding is the need and difficulty to deal with systems of activity from a holistic perspective. It is in this context that the notion of parallel development emerges. In so far as efforts toward justice development are concerned, it is logical that weakness in any one particular sector is unlikely to be overcome in any sustainable way, unless there is corresponding attention to the other sectors as well. The early collaborative efforts of the international mission failed to take this into consideration, in that these efforts focussed on the police, with less emphasis on the judiciary and prisons, as integrated parts of the justice sector.<sup>105</sup> The absence of parallel and overlapping development in the three sectors of justice (the police, the judiciary, and the prison system), is now recognized as a significant problem in justice development in Haiti.<sup>106</sup> Perhaps the most important breakdown was the negative impact that a stagnant judiciary had on police development. Even the limited capacity and development of the police to investigate and maintain order could not be sustained without a parallel capacity to prosecute.

The idea that development must be considered in the context of the various elements within a system is also applicable to the subsystems themselves and to the activities within them. A police investigative branch does not operate independently, but rather it functions in the context of related activities within a system of its own. A weakness in any one subsystem will result in a weakness in the whole. A brief examination of the policing system in Haiti will serve to illustrate this point.<sup>107</sup>

The Haitian police (fashioned after a traditional French model still prevalent in many parts of the world), is roughly divided into the Administrative Police (with responsibility for a wide range of common uniform policing activities), and the Judicial Police (with specific investigative responsibilities). At the same time as the two are interrelated, operationally they each function somewhat independently. For the purposes

of illustration we will focus only on the Judicial Police.

The Judicial Police is comprised of a number of investigative and support sections with a general mandate of investigating serious offences. The criminal investigation unit (brigade anti-criminale, BAC), and the narcotic unit (bureau de lutte contre le trafic des stupéfiants, BLTS), are examples of the former, while the criminal identification unit (police scientifique), laboratories (laboratoires LABO), and the criminal analysis branch (bureau de renseignement judiciaire BRJ), are examples of the latter. At a basic level, investigations are driven by information and intelligence (the work of the BRJ), investigated by the substantive unit (BLTS, BAC), and supported technically by the forensic technicians and scientific experts (police scientifique, LABO). Clearly where there is a weakness in one, the effectiveness of the others suffers. Equally, where there is development in one without corresponding advancement in the other, a threshold will be reached where further development cannot occur in one without development of the whole. At another level, there is the interrelationship with the magistrates, who have overall responsibility for directing the judicial police investigations of serious offences. Indeed, where general development is delayed, gains made in specific areas will not continue and probably cannot be sustained.

An absence of parallel development at this level was evident, with particular examples seen in the development efforts of the Judicial Police. It what had been a loose attempt by the international community to divide development responsibilities, some units supported by the international partners showed steady and significant progress, while others showed none. As a consequence, important development gains in the support areas of criminal analysis, forensic technicians and laboratory services, were ultimately lost when the broader system of the judicial police remained stagnant. In time, newly trained but inactive personnel lost interest, equipment was allowed to deteriorate, supplies were not restocked, and indeed corruption began to infect areas of development that had shown the most promise. In effect, the overall system that comprises the investigative branches of the police failed when its component parts were not given adequate attention.

A final note is necessary regarding the notion of parallel development and the

failure (primarily on the part of the international community), to recognize a holistic and systems approach was necessary to achieve sustainable progress in institutional development. Much has been written about the 'key' to capacity building being attention to 'grass roots' development. In the context of the strategy of policing development in Haiti, this idea was literally applied. Faced with the necessity of moving quickly to replace the military with a civilian police, all efforts were focussed on the training and deployment of young recruits. No effort was made in the first instance to simultaneously train supervisors, managers, and executives, establish policy and procedure, and set administrative support in place.

Within only a few months of the proud declarations that a civilian police was in place, the entire situation became chaotic. Not only did the new 'agents' have little understanding of their role, they had no supervision, and no operational or administrative systems in which to function or be supported. Not only did the new police have little idea of their role, equally important, the public at large had no understanding of their role either. With no general evidence of positive change, the public began to lose patience. There was no effective discipline or accountability mechanisms. Absenteeism and abandonment of post were frequent. Personnel were not being paid regularly. Police violence and violence against police was common.<sup>108</sup>

Amid the zeal of wanting to have visible signs of progress, little attention was paid, by either the international community or the Haitian government, to the real complexity of the undertaking. The failure to examine and attack development issues holistically, with attention to parallel development within the system and its subsystems, would prove to be costly. Much time and effort was spent correcting the problems created by the first unsteady steps.

The saddest aspect of this entire problem is that it was recognized early in the peacebuilding exercise. Failure to consider the development challenges holistically, giving due attention to the interrelationships within systems, was discussed and reported on at all levels. The extent to which no one partner was willing or capable of responding to these challenges, added weight to the need of cooperation and collaboration among all the development partners. Still, a true partnership did not evolve.

### **3.6 Role of the civil sector:**

The extent to which civil society should be involved in the processes of peacebuilding remains, as discussed above, open to debate. At the same time, Haiti's long history of dictatorial rule and accompanying dismal record on human and civil right issues must be considered in addressing questions of the role of the civil sector in justice development issues.

Beyond the historical evidence, certain realities associated with making sweeping change in the justice sector had to be considered. First among these is the fact that there was evidence of an emerging social and political consciousness during the latter years of the Duvalier regime. Nichols (1988) suggested that, in spite of a centralized system of government that restricted participation at the local level, one of the consequences of the Duvalier period was a new consciousness among the peasant class that change could be affected through participation.<sup>109</sup> Schultz (1997) likewise described a renaissance of grassroots organizations in that era that promoted new levels of participation.<sup>110</sup> Civil society, however, suffered severely during the period of the Cédras led coup.

Yet, not considered was the fact that in reality there were few social or cultural reference points for most Haitians to relate to notions of transparency of process, or democratic principles. Was there a growing awareness of these concepts? Perhaps, but most Haitians had little understanding of what to expect from a new civilian police, or a justice system functioning by the rule of law. For them, the perceptions of a new Haitian National Police, reinforced by its ineptitude in the early stages of development, combined with evidence of continued violence and human rights abuse, were nothing more than a new uniform, doing the same things that uniforms before them had done. There was also no evidence of significant change in attitude or practise in the judiciary. The fact of the matter is that both the police and judiciary had little understanding of their new responsibilities, and while there was a clear accountability structure, there seemed to be little desire to deal with 'malfaiteurs'. Certainly, if there was to be change it would be a painstaking process drawn out over years, perhaps even generations.

Plans to incorporate a 'community policing model' and organize community consultative groups as part of the development of the HNP, were in fact included in

work done by an advance team of planners deployed in October, 1994. However, this idea was never developed by either the HNP or the donor partners. While all spoke of the need of community policing as fundamental to the development process, the fact of the matter is that there was no concerted effort to interact with the community at any level. Indeed, there were no concrete plans even for education or awareness campaigns to inform the public at large of planned changes.

While there were a number of reasons for this, a reality that must be considered is the shortfall in the overall peacebuilding effort. In the first place, the importance of community interaction was never an overriding issue with the international donors. Among them there was a divergent understanding and acceptance of the potential benefit of interaction between the police and the public. Concepts like 'community policing' had different connotations and implications for the development partners, each of whom brought different cultural baggage and varied experience to project leadership.

In Canada, for instance, 'community policing' is the standard and philosophy of service delivery to the public. It implies consultative processes and interactive problem solving with all levels of government, with community groups, with the private sector, indeed with the public at large. While the concept is still relatively new (introduced in the mid 1970s) it is the nucleus of policing activity in Canada. The concept is also popular in many areas of the US, where it originated. Indeed, it was American led planning for the HNP that first identified the need for police professionalization and civil sector involvement. In spite of this, the managers of the US programs in Haiti (a former FBI agent, and a retired army Lt. Colonel), had no exposure to the concept in their professional experience.<sup>111</sup> The third major player in development, the French (as mentioned above, by 1996 France dominated the executive of the UNCIVPOL mission, led by a series of Colonels of the 'Gendarmerie', as well as having a small bilateral program), essentially rejected the notion of extensive community interaction. For them, policing was a reactive endeavour, dominated by the need to maintain order.

Within the UN, there was also little appeal in having police too closely aligned with other elements of the MICIVIH that had close and routine contact with the public. While the UN preformed work throughout the country in relation to human rights issues

(indeed UN human rights experts instructed classes for HNP training), there was no interest in a public association. Such a relationship, it seemed, was considered potentially damaging to the important image of neutrality and advocacy of the UN workers.<sup>112</sup>

From the perspective of the international donors there was no unity of opinion, let alone unity of purpose, in exploring ideas of civil sector involvement in police development. This is not to say that there were no initiatives in the spirit of community policing and civic involvement. All, however, were attributed to individual initiatives, often by UN Civilian Police Officers working in partnership with HNP officials at the local level. The initiatives were not common, and certainly were not adopted as a standard practise.

Pierre Denizé, Director General of Police, did display an awareness of the need to inform, educate, and work with public groups in the spirit of community action. The occasion of Carnival celebrations is one such example, and security preparations for elections was another. Local leaders and groups were consulted, collective plans made, and media campaigns encouraging non-violent participation, while explaining the role of the police, were undertaken. For the most part these efforts proved highly successful, at least from the perspective that they seemed at least to limit confrontation. Such ventures into police-public collaboration were not frequent, and certainly did not form part of any overall strategy toward police development and civil sector involvement.

If the need to involve civil society in justice development is reinforced by the idea that the community has the most to lose in failed development, the peacebuilding partners did not respond accordingly. Collectively the international partners did little to encourage interaction and involvement by the police in the civil sector, as a hedge against development failure. By the same token, many of the first steps would have had to come from the HNP itself. In a country with a repressive history like Haiti, building the public confidence is no simple process and could only be accomplished over time, and with a concerted effort.

### **3.7 Sustainability of programs:**

The idea of sustainability in peacebuilding is based on local realities, and the capacity and desire to maintain and build on programs introduced. This suggests that all projects, and individual programs that are instituted, need to be planned thoroughly with the recipient in order to forecast the financial and human resource impact in the short and long term. If the recipient does not acknowledge the need of a particular program, it will receive no priority amid the myriad of development activities. If the recipient government is unprepared or unable to bear the burden of sustaining a given activity, the program is doomed to failure. Unfortunately, in the example of peacebuilding in the justice sector of Haiti, instituting programs outside of the priorities of the overall plan for justice development did occur. Evidence already discussed in the context of self-interest of the US as a development partner, focussing on issues of international narcotic trafficking, bears this out.

In some cases the Haitian executives were simply reticent to say no, irrespective of the fact that a program was unlikely to succeed, taking all circumstances into consideration. In one striking case, the French bilateral program insisted on the need to create a BRI unit (operational intelligence unit) within the HNP, and placed a technical advisor within the Police Judiciare (investigative branch). This was done despite the fact that the HNP placed no priority on creating such a unit (a similar unit was already in place and functioning), and the HNP had no resources to staff a new unit. Curiously, the French bilateral program had practically no money for development projects per se, as most was used to pay the three technical advisors who were in the country.<sup>113</sup> Planning and preparation by the French proceeded, nonetheless, with or without Haitian police officers with whom to work, or development money to begin programs.

Further, there is ample evidence of the absence of coordination with the Haitians, as well as a lack of commitment by them as recipients. There was simply nothing approaching a general partnership in development between the international partners and the government of Haiti. As mentioned previously, numerous attempts to organize a development committee of donor partners failed. Plans, as loose as they were, often fell through as the Haitian Police failed to take charge of their own development and



international 'partners' proceeded in the manner they thought best. In all honesty this tactic often seemed to be the only approach available, since waiting for ratification of any plan was a painfully slow process, and seeking a 'joint venture' relationship with the recipient government was nearly impossible.

In 1998, a Haitian was nominated to be responsible for coordinating development among the international partners. This step seemed like a giant leap forward in coordination, relieving an overworked Director General of Police, who was simply incapable of handling the operations and administration of a 5000 member police force, along with the demands of development. Unfortunately, the nominee had no delegated authority. Indeed, a joint meeting of development partners chaired by this individual never occurred.

Even when there was consensus that particular programs were needed, there was never a commitment by the recipient government to sustain and build on success. In this sense, what emerged was the appearance that the Haitian Government was unwilling to accept responsibility for any activity as long as the international community seemed willing to continue paying the bills. The creation of an academic resource centre at the Haitian National Police Academy, a program that involved the refurbishing of a building, the training of staff, and the stocking of resource material, is one such example. Once completed, and indeed after the 'official opening' signalling the end of donor involvement, the centre never opened its doors to students at the academy. No logical reason was apparent, other than the fact that the donor (CIDA/RCMP Development Project) refused to accept the on going responsibility of paying salaries to Haitian Police employees.

Another such example is the creation of the medical clinic at the Police Academy. Following the opening of the clinic, the donor was forced into a situation of continuing to pay for basic supplies, medications and vaccines, when local suppliers refused to deal further with the Government that was not paying its bills.<sup>114</sup>

Another example in this regard is the case of the Canadian effort to assist development in the administration and operation of a police transport control and maintenance facility. The need for such a facility was clear. Hundreds of vehicles

donated to the police had broken down, been damaged in accidents, were abandoned, or were simply stolen for personnel use. (Primary donors of vehicles were the US military that left hundreds of vehicles behind after the 'intervention', ICITAP in support of most of its individual development programs, and the Government of Taiwan that provided police cars.) The creation of a police garage was considered an important step in administrative improvement. Canadian resources in developing the facility, training the staff, and providing equipment was a year long venture, undertaken with the full understanding that ongoing maintenance costs would be the responsibility of the HNP. Publicized as a successful venture, as the program drew to a close emerging problems were evident. Bills were not being paid and the donor was having to buy oil for vehicles just to keep maintenance on going. In the months following the end of the 'development' phase, deterioration of the facility began. The HNP civilian employee responsible for Transport was ultimately removed amid allegations of fraud. There were no charges laid, and the individual was relocated to another branch of government.

Yet another example of the failure of the Haitian government to pick-up where development left off was in the administration of the Haitian Police Academy. In the early years of the judicial peacebuilding exercise, administration and operation of the academy was totally reliant on US resources. There was a reasonable expectation that as the basic infrastructure requirements of the academy were improved, the Haitians would take on a greater role of administration and maintenance. Finally, after literally years of the ICITAP spending development dollars on everything from food for candidates in training, to fuel for generators, on top of millions of dollars for infrastructure and actual training costs, enough was enough. When administration of the academy was finally turned over to the Government of Haiti, it was almost as if nothing was going to move forward out of protest. When fuel for generators ran out, it was not replaced. Repairs to equipment were not made. Bills were not paid. Equipment went missing. Unpaid contractors simply left. In one such incident the kitchen staff walked out, and were replaced in an ad hoc arrangement for meal preparation. Shortly thereafter dozens of trainees were poisoned and in need of medical care.

The weakness of the academy administration constantly impacted the progress of

all partners.<sup>115</sup> Not only was this reflective of a government administration unwilling to build on a development opportunity, but it was also reflective of the totally dysfunctional development partnership.

All of these problems of peacebuilding, whether identified with the mission, the actors, or the environment, were evident in the Haitian example of multilateral and bilateral initiatives undertaken in justice development. Kumar (1998) identified the abstract nature and multiplicity of the peacebuilding goals in Haiti as the primary weakness of justice development. He suggested that rather than having evolved out of a strategy of risk management, in Haiti international peace building initiatives emerged as a 'laundry list' of individual projects that were poorly coordinated, lacking continuity, without logical conclusion, and most critically, without a singularity of purpose. Initiatives were addressing symptoms of the dysfunctional justice system, without a focus on the cause.<sup>116</sup> When there was no concrete planning among development partners, including the participation of the recipient government, initiatives became disjointed, stalled, and even failed.<sup>117</sup>

Planning across all levels of development should have started with a broad vision of recipient needs (as defined by the recipient in collaboration with the international community), and the recipient's capacity to sustain development. This should have been linked with the capacity of the international partners, and a recognition that a 'fit' with the realities of local history, politics, culture and economy was needed. The lack of cooperation and collaboration among the international partners hindered progress. While the international partners bear responsibility here, so too must the Haitian Government, which did not show a concerted effort, or even willingness to take responsibility for its own development.

### **3.8 The element of political will**

It was suggested that the 'environment' in which institutional development or capacity building is undertaken figures prominently in success. This environment encompasses local realities, like politics, economics and culture, in which the peacebuilding activity is carried out, as well as the extent to which behavioural change is

required to facilitate sustainable development. Political will in this context, the extent to which transformation is desired, supported and nurtured by the powerful and decision makers facilitating change, must be considered part of that environment. Indeed, Boutros-Ghali, in 'An Agenda for Peace', referred to political will as the primary reason for failures at conflict resolution.<sup>118</sup>

Perhaps the least evident, but most important aspect of the environment is the political will of the government, and the support by the society's powerful actors, to bring about change.<sup>119</sup> While difficult to assess, and indeed we are left with largely anecdotal evidence in analysis, the factor of political will cannot be overlooked in considering the impact of development activities on the Haitian Justice Sector. Action, or conversely inaction, that always seems to stand in the way of progress, leads to few other conclusions than it is purposely intended to block advancement.<sup>120</sup>

Michel-Rolph Trouillot (1990) suggested that no Haitian chief of state has ever lived on his salary alone, and that government corruption, while varying from regime to regime, was never questioned as a principle of doing business.<sup>121</sup> Donald Schultz (1997) described Haiti as having a deeply embedded culture of predation characterized by an elaborate syndrome of destructive and self-destructive political behaviour. Politics, he suggests, is a zero-sum game of corruption, power and control.<sup>122</sup> International efforts are observed by a Haitian leadership that is divided across class lines, as actions that are always seen as favouring one side or the other. Thus, attempted neutrality on the part of the police has been interpreted as favouring the interests of the power elite.<sup>123</sup>

Kern Delince (1993), writing of his native Haiti, described political, cultural and social realities that were born in the era of the United States 'occupation' (1915-1934), and that hardened in subsequent decades. Finance and political power was controlled by 5% of the population. A mediocre elite emerged which sustained itself through nepotism and favouritism. At the same time, the tiny and tame middle class (15% of the population) and governmental bureaucracy was totally beholden and subservient to the ruling elite. Centralized control resulted in weak local administrations and an absence of political organization and citizen participation in public life. Entire administrations were overturned with a change in power. Excessive individualism became predominant at the

expense of collective interest and civic mindedness. Only 4% of the population is involved in any form of group activity (cultural, political, or religious, groups or associations). Centralization created a rural/urban schism in which indifference to rural problems, and exploitation by the urban minorities, was tolerated and even encouraged. Regional development was greatly inhibited in a country without fossil fuels and few minerals. Creeping environmental disaster created by land overuse, erosion and pollution was overlooked. The financial, social, cultural and political decay of the country was ignored by an elite class which was content with the status quo. These realities have predictably impeded progress in the transition to democracy and most assuredly the international efforts in that regard.

In the justice system, the arbitrary exercise of power was commonplace. Laws were not respected, and legal authority was ignored. For 60 years the judiciary was subordinate to the Head of State and not to the law. Corruption became accepted as a standard practise.<sup>124</sup> Such descriptions of the virtual chaos in Haiti should have been a clear indication to the international community that only a concerted effort, unity of action, and solidarity of purpose would have real impact on democratic change, even in the short term.

Although the Haitian government in place during the time most of the development programs were implemented was legitimately elected, and criticism of it must be considered in that context, it remained void of a common agenda and purpose. As well, often competing factions existed within the ruling party, the Organization Populaire Lavalas (under President René Préval), and the Famille Lavalas (led by President Jean-Bertrand Aristide). These factions, although within the same party, continued to reflect the ongoing divisions within the broader society.<sup>125</sup> The June 1997 resignation of Prime Minister Rozny Smarth seemed to paralyze parliamentary action. Legislative and senatorial elections were postponed as a result of government confusion, disputed results, and seeming voter apathy. It is reported that as much as \$100 million in aid could not be distributed, as new government business constitutionally requires a head of government in place.<sup>126</sup> It was almost two years (March 1999), before President Préval filled the Prime Ministerial post with the appointment of Jacques-Edouard Alexis.

Legislative and local elections in May, June and July 2000, rather than providing evidence of stability and restoring confidence in government, raised international concern about the power of former President Aristide. Widely considered the defacto President during the term of President Préval, Aristide's Famille Lavalas won overwhelming control of the Parliament of Deputies, as well as most rural and city councils. At the same time there were charges of election fraud in the calculating formula used to determine winners of Senate seats, now also controlled by 'Aristidistes'. Fearing for his life, the Electoral Council President, Léon Manus, fled the country after refusing to validate election results.<sup>127</sup>

Like the government itself, the judiciary, in that it remains in a dysfunctional state, impeded the progress of the entire system. Criminal cases were not being prosecuted and the judiciary, with responsibility for overseeing and directing criminal investigations in Haiti's Napoleonic Justice System, showed little interest in modernizing or rendering the system more effective in any way. By 1998, development ceased and the judicial reform process was virtually paralysed.<sup>128</sup> Canadian and American bilateral development programs in justice were at a standstill. Only with the appointment (in March, 1999), of a new Minister of Justice, Camille Leblanc (considered a committed reformer), was there any sign of life in justice development.<sup>129</sup>

At another level there were no attempts by the Government of Haiti to reconcile tension between the state and the population through judicial action. A South African style 'Truth and Reconciliation Committee', that had been called for by the then exiled President Aristide (1993) as an important element of democracy building and enforcing and reinforcing the rule of law, was never formed.<sup>130</sup> While opportunities in this regard were hampered to a degree when the American pre-invasion negotiated settlement saw Haitian military leaders leave the country unpunished, (a unilateral action on the part of the Americans which raised the ire of the United Nations), other opportunities have passed as well.

In 1996 the US State Department deployed an experienced investigator to assist the Haitian Government with the investigation of politically motivated crime, in particular murders and assaults in the post coup era. Soon after investigations began, it

became clear that there would be no governmental cooperation, particularly where it appeared that current and former government officials were implicated. No prosecutions took place despite masses of evidence being accumulated. More importantly, while the US continued these investigations over five years, the GOH showed no interest in assisting or taking on the investigations independently.<sup>131</sup> Continuing such investigation, in the knowledge that there would be no governmental cooperation, places the activity in the realm of US self interest as an intelligence gathering exercise, and the value of it is open to debate. Nonetheless, US investigations continued and intelligence continued to be collected regarding politically motivated crime and its perpetrators.

Whether there was, and is a 'will' within the judiciary to actually resist development, development which would bring with it accountability and transparency of process, is difficult to say. Specific examples that draw attention to the lack of political will on the part of the Government of Haiti, and by extension the judiciary, to move for reform include the cases of the 'Raboteau' murders of April 1994, and murders by police at 'Carrefour Feuille' on 28 May 1999.

In the Raboteau affair 15 people were alleged to have been assassinated in a politically motivated action. At Carrefour Feuille 11 persons were assassinated by police after being taken into custody. Strong evidence, including eyewitness reports, existed in both incidents. Still there were no concrete attempts by the Haitian Government to have either of the incidents brought to trial, despite ongoing attempts by the international community to convince the Haitian Government that speedy and transparent resolution of these matters would send important public signals that judicial reform was in progress.<sup>132</sup> It was not until 2000 that there was any resolution to these matters. In August, 13 of 20 Haitian police officers suspected of the killings at Carrefour Feuille were finally arrested and tried.<sup>133</sup> In November, 37 defendants were tried in the Raboteau affair (including Raoul Cédras, Philippe Biamby, Michel Francois, former Port-au-Prince Police Chief, and Emmanuel Constant, leader of the para-military FRAPH, all living outside the country, were tried in absentia).<sup>134</sup> Was this evidence of an awakening within government and judiciary? The Government of Haiti was under tremendous pressure by the international community to react appropriately. It finally responded, but only under

pressure, and in the face of the likelihood that generally frustrated donors, particularly the United States, were considering ending justice development programs altogether. Indeed, it seems more than curious that the Raboteau matter, having occurred 6 years before, did not go to trial until after the US justice program had ended in the summer of 2000. One of the central figures tried in absentia was 'Toto' Constant, long suspected as a CIA directed asset, and who now has refuge in the US. Was there more US-Haitian intrigue at play?<sup>135</sup>

It cannot be forgotten that while high profile by virtue of the number of dead, these incidents are anything but unique. Violence and death at the hands of the police, or others representing government interests, have been frequent. There is plenty of evidence, including UN human rights investigative reports, to bear this out. Yet one can hardly assume that the UN statistics represent the limits of violence, since the police/government never reported independently or publicly on such matters.<sup>136</sup> By 1999, due to shrinking budgets, the number of UN human rights observers had been reduced to a handful of strategic placements around the country. They could report only what they heard of or saw.

Another example of almost complete governmental and judicial inaction is in the area of narco corruption. Since the return of President Aristide and maintenance of relative stability by the presence of the international community, Haiti has gradually become a major transshipment point for the movement of cocaine from South America. With South America only a short flight, or an overnight ocean trip by 'fast boat', loads of cocaine are being dumped in Haiti for redistribution to North American locations, primarily Miami, New York and Montreal. Central players in this process are certain elements of the Haitian National Police, through open participation, facilitation or simply wilful blindness.<sup>137</sup>

In 1995 evidence of Haiti as a transshipment point, and police involvement in the activity, was infrequent and somewhat speculative. Now, in 2000, drug merchants have taken full advantage of a largely unguarded coast, a young and ineffective police, the corruptibility of officials, and even a compliant public. The problem has become so widespread that a narco-economy may be emerging.



Such statements of course are convenient, and perhaps all too easily made. While some might argue that such evidence has been blown out of proportion by US officials obsessed with the 'fight against organized crime' and in particular the illicit international drug trade, officials close to the justice community 'on the ground' in Haiti know better. Certainly there are rumours, though not publically substantiated, of willful blindness, and even open participation of the Haitian government and judicial officials at the highest levels. Hard data is difficult to come by as corrupt officials and drug dealers don't often step forward to be identified.

Evidence of widespread narcotic import-export activity, however, is clearly supported by intelligence reports by the international community. Reports of boats and aeroplanes, landing or even abandoned on Haitian shores and makeshift landing strips are frequent. A new, still relatively disorganized, yet very busy and extremely violent Haitian criminal element in Miami, that receive and distribute drugs from Haiti has been identified by Florida law enforcement officials. Interdiction of boats with drugs concealed in cargos, arrests of 'body packing' air travellers, as well as the seizure of enormous amounts of cash entering and leaving the country have risen dramatically. The new-found and inexplicable wealth of some rather high profile Haitian police officials is evident to all. Reports of massive amounts of seized drugs lost or stolen while in Haitian police custody are common. Stories of Colombian couriers detained or arrested, then 'escaping' (paying cash to walk away from Haitian jails), are not uncommon.

A particularly sad anecdote serves to illustrate both the extent and impact of the problem. A high ranking Haitian police official, having served as the head of one of the most successfully developed policing sectors, admitted to having been corrupted after his family and he were threatened by peers and superiors in the HNP. While this individual had previously resisted the temptations of corruption, he was aware of the participation of others. By virtue of his knowledge, others were at risk of being exposed. He now profits significantly, and the new-found wealth is not hidden.<sup>138</sup>

Was this individual predisposed to such corruption and only resistant during a period when he/she was in close and regular contact with the international development community? That is open to speculation, but the fact of the matter is that there is a

significant element in the Haitian Police that is not trusted by the Haitian Police Executive. The police Director General Pierre Denizé has long been troubled by the corruption within the police and judiciary. Particularly sensitive or high profile investigations or arrests have been delegated away from units with a mandated responsibility. Magistrates responsible for overseeing judicial police investigations have been purposefully chosen in some situations. Denizé personally collects and acts on criminal intelligence, and has in some cases, personally supervised arrests, and seizures, simply because he cannot trust all elements of the police.<sup>139</sup> In a country widely reported to be the poorest in the Western hemisphere, and with a lengthy history of systemic corruption, none of this should be surprising. However, most disturbing is the absence of a focussed government response to the problem.

A central aspect of the plans for reform in the justice sector included the creation and development of the office of the 'Inspecteur Général'. As an independent executive branch of the police, with wide authority and responsibility for the investigation of internal corruption and illegal activity, development in this area was considered to be the most singularly important among the major sectors targeted for development work. Many investigations, mainly focussed on police corruption, were conducted. Arrests have been made and people incarcerated. Still, there has been no finality to investigations that might expose the truth of the depth of official corruption. There have been no prosecutions; nor has there been transparency of process. Indeed, there have been interventions at political levels to bring investigations to a halt, or simply to cover them up. Some of these have seen interventions at high political levels. Equally there has been evidence gathered that some 'suspects', may have been scapegoats or small participants in larger schemes.<sup>140</sup>

The failures of the Haitian Government to show progress in justice sector development, combined with the troublesome evidence of narco-corruption and politicization, have done nothing to instil confidence that fundamental change in justice is on the horizon.<sup>141</sup> More disturbing even than the slow progress is the fact that, in the absence of clear evidence to the contrary, there is little real indication of a desire on the part of Haitian officials to see change occur. Such perceptions must impact public

opinion regarding the effectiveness of government processes, surely an important factor in terms of stability in the state. Further, such perceptions do impact political decisions among the international partners, as questions are asked about continued funding of expensive development programs that seem to make no progress.

## **Chapter 4      Evaluation of Progress:**

To describe it in its simplest form, a logical evaluation framework for the contributions of the international community would recognize the ‘inputs’, or contributions, such as individual programs of training and development, equipment purchased, and facilities constructed. The ‘impact’ of these contributions might be measured, in the short term, by the capacity of the HNP to perform functions for which it was trained. Mid term ‘impact’ might be seen as an increase in effectiveness and efficiency. ‘Impact’ in the long term would predict sustainable development and self sufficiency.

Next the framework would indicate the predicted ‘outcomes’ over time. These might range from ‘professionalization’ and ‘observance of human rights’, and overtime, to ultimate outcomes like good governance and democracy, peace, stability, security, and favourable investment environment. At each level of analysis a wide range of performance indicators, both objective and subjective, could be employed to facilitate measurement of progress.

The contribution of the Haitian government could be tracked in a similar manner, both as a partner in development and as a recipient. Basic ‘inputs’ such as providing qualified candidates, facilities, and facilitating a collaborative environment for development, could be identified. At the level of ‘impact’, indicators like self-sufficiency would be reflected by greater ‘inputs’ (ie: programs continuing without international assistance) that reflected progress toward outcomes like ‘sustainability’. Ultimately, in a situation of real and sustainable progress, the analysis would show a convergence of the ‘ultimate outcomes’ with those of the international donors.

Certainly each of the development partners evaluated performance in one manner or another. By 1997 groups of analysts and evaluators quite literally followed each other around the country, trying to determine if the ‘inputs’ were contributing to movement toward ‘ultimate outcomes’. These evaluations of justice development were not limited to the justice sector donors, but included other aid donors and potential donors, like the International Monetary Fund (IMF), the World Bank (WB), and the Organization of American States (OAS). All of these organizations had a vested interest in the stability

of Haiti, and were interested in justice development, and police development in particular, as indicators of future stability.

Then as now, the results of specific programs, donor projects, or the HNP could be specifically tracked. The number of courses delivered, the amount of equipment purchased and the facilities developed could be counted. The contribution of each partner, and the various programs that they supported, could be measured against a series of performance indicators, some objective and others subjective. Charted accordingly, and in the detail required of such an exercise, a comparison of programs and projects would even be possible.

Such an exercise has certain benefits in terms of project management. It would be possible; to clearly rationalize the expenditure of resources, to determine the effectiveness of the training, and to judge the extent to which the recipient benefited from, and sustained a particular capacity. From such a perspective there would be a number of individual projects offered by the international partners that would indicate progress. The ability of the HNP to keep vehicle traffic moving in the highly congested streets of Port-au-Prince might be one. The effectiveness of the 'maintien d'ordre' units (order maintenance/riot teams) to disperse unruly mobs might be another. Progress could also be shown in the capacity of the office of the Inspecteur Général (Inspector General/internal affairs) to investigate cases of police wrong doing. On the other hand some programs would likely be shown to have failed completely.

While such detailed analysis can be an effective management tool, a broader examination is required to determine progress toward the 'ultimate outcomes', those abstract notions for which there are few objective performance indicators, but which are recognized as the goals of peacebuilding, and the Haiti intervention in particular. A clearer picture of the development partnership emerges by standing back, with a view of not only to what has been done, but also what has yet to be done, toward achieving the 'ultimate outcomes'.

#### **4.1 The human rights issue and the development partnership:**

The collective security partnership that emerged in the peacekeeping phase of the

international intervention in Haiti in 1994–95, anchored by the singularity and clarity of its mandate, for the most part proved successful. The Haitian military was removed with practically no violence, and a secure environment was created to begin peacebuilding activities. Save for the contentious issue of the negotiated departure of officials of the Cédras military regime (without facing individual sanctions for their actions during the coup and the period that followed), the first phase of the international partnership represented collaboration, cooperation, and a singularity of purpose.

For the international partners, the shift to the peacebuilding phase represented a vague and more complex mission of professionalization, institutional development, and capacity building. In 1996, bilateral programs in justice development were added alongside the UN mission which was, in a series of mission renewals, being transformed from one of peacekeeping to one incorporating peacebuilding objectives.

After 5 years of the international partnership efforts in development, and while problems of every genre remain acute in Haiti, justice issues continue to be most pressing. Indeed, the success of the development partnership to bridge the gap between ‘inputs’ and ‘outcomes’, must be questioned. From the perspective of ‘impact’, a glaring failure is evident.

There is evidence that the human rights situation in Haiti, a principal factor in the international intervention throughout this decade, has not improved significantly. A deep division between the police and the public continues, and is perhaps widening, as human rights violations persist, deaths (including summary execution) are all too frequent, and speciality units of the police are being identified as being particularly abusive. At the same time, prisons remain overcrowded, 80% of the prison population are still held in pre-trial detention (often for months or years), and general conditions remain below minimum standards. Finally, the justice system remains outdated, inefficient, and developmentally stagnant.<sup>142</sup> Where any progress can be shown in attention to human rights issues, such indicators of success, it could be argued, are attributable to the international community maintaining a watchful eye, as opposed to sustainable progress. Add to this the mounting evidence of widespread police corruption and politicization and an ugly picture emerges.<sup>143</sup> Not even mentioned among routinely gathered statistics is

the number of people arrested for being ‘threats to the security of the state’, a convenient catch-all, used all too frequently. These facts alone call into question the success of justice sector peacebuilding partnership.

#### **4.2 Human rights, impact and as an indicator of success:**

Raw data collected by MICIVIH (UN Civilian Mission in Haiti) on allegations of human rights abuse by security officials, offer no indication of changing trends.<sup>144</sup> This is the case despite joint UN/OAS human rights initiatives since 1993, a multilateral presence in police development since 1994-95, and bilateral development in the justice sector generally since 1996.

<b>Reports of Human Rights Abuse, Haiti 1996-1999</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
Reports of killings by police agents (on or off duty)	59	53	31	66
Allegations of ill-treatment by police		284	432	170*
Allegations of ill-treatment by prison guards	29	47	191**	
Popular ‘justice’ killings (extra judicial)	74	152	90	32*

\* These statistics represent only the first 6 months of 1999.

\*\* Many allegations come from reports of physical beatings after unsuccessful prison escapes.

The multiplicity of tasks and abstract nature of the peacebuilding mission are quite obviously challenges for the multilateral approach. The partnership has been discussed in the context of those challenges and problems revealed. However, while occupied with the success of individual programs and component parts of developing the Haitian justice sector, the persistent evidence of human rights abuse suggests that focus on an important success indicator has been lost.

Strengthening of the justice system through the institutional development of its three sectors of activity should not have been the end goal of the peacebuilding, rather it should be regarded as another indicator of the ultimate outcomes. Seeing that the justice sector worked as part of establishing a secure and stable environment should have been

the goal. Recognition of, and adherence to, international standards of human rights is fundamental to that security and stability. From that perspective justice development should have been both a benchmark of the overall peacebuilding inputs, as well as a development outcome. In the face of the evidence, it must be considered that the work that has been done in developing the capability of the Haitian justice sector, at best has not been successful, and at worst may be serving only to strengthen institutions that have long been responsible for human rights abuse.

It could be suggested that the dysfunctional justice system is not the underlying problem, but rather it is a manifestation of the underlying problem. This idea is supported by the assessment of Irwin Stotzky (1997), who identified the most difficult obstacles to overcome in Haiti as psychological and cultural, resulting from a history of a “predatory, oppressive state”, and a “political culture which has long been characterized as an admiration of force”.<sup>145</sup> Likewise, Schultz (1997) described a culture of predation, using descriptors like authoritarianism, demagoguery, corruption, intolerance, vengeance, and violence.<sup>146</sup>

In failing to recognize the history of the state, not its ineffective or inefficient institutions, as perhaps the most important challenge to overcome, the peacebuilding partnership may have failed first by moving to correct symptoms without considering more basic causal factors. Indeed, the international partnership at no point laid out collective goals beyond those of elementary benchmarks, the numbers of people trained, the amount of equipment purchased, the numbers of facilities refurbished, or the policies and procedures created.

Most disturbing in unravelling this failure is the fact that the international partnership did in fact recognize its own weaknesses. The need for clearer, attainable goals, real evaluation of progress, coordination of programs and projects, and an overall commitment to working cooperatively were regularly discussed. The waste of time and resources as a result of overlapping projects, irrelevant training, and the virtual competition to get Haitian candidates to the classroom, were reported over and over.<sup>147</sup> Further, the international community also recognized that the Haitian government was failing to support the partnership, was reluctant or resistant to take responsibility for the



development of its own institutions, and showed no leadership as champions of change. Yet there was no concerted effort to rectify the problem, the reality of which was carefully avoided in public reporting. The institutions were young, systems needed to mature, patience was required; these all were offered as rational explanations for slow progress at the beginning of development activities.

As the years went by these explanations became time worn. Justice sector programs that reached their prescribed level of development, facilitated by international partners, often died on the vine as the Government of Haiti failed to pick-up its responsibility as a development partner. Where the government did take a more positive position, playing out its role in sustainability, it conspicuously favoured those aspects of the new police that were rapidly becoming ugly reflections of the old. The desperate needs of the Administrative Police, the rank and file with front line responsibility to the citizens of the country, were overshadowed in favour of specialty units like the 'maintien d'ordre' (tactical riot units) teams, SWAT (Special Weapons and Tactics), the Presidential Guard, and Palace Security, units mandated to keep order and protect government officials. The international community (MICIVIH), was reporting that these units were the most evident violators of human rights, and the US was conducting its own investigations that were pointing to these units as being responsible for politically motivated assault and murder. At the same time international partners focussed attention on development without meaningful follow-up or scrutiny of the impact of their work.

#### **4.3 The development partnership summarized:**

The international partnership success that seemed to emerge in the peacekeeping phase of the Haitian intervention was not evident in the peacebuilding phase. Factors such as leadership by a single state, a clear and specific mandate, and easily recognizable success indicators which seemed to drive the first partnership were absent in the second.

While multifaceted in comparison to the peacekeeping mission, the extent to which there was cooperation among partners was insufficient to overcome the recognized complexities of peacebuilding. Not only were collaborative efforts limited to a few joint American-Canadian programs, success of the partnership was impeded by donor self

interest and the ‘baggage’ brought to the project by the multilateral partners.

The weak nature of the partnership resulted in a very individualized approach to success measurement and evaluation. While limited attempts were made at collective analysis, they proved to be superficial at best; at worst they tended to flash past, or disguise the hard issues. In any event, there was never concrete follow-up. The result was a collective failure to attend to problems and issues that were known to be potentially damaging to the chances of reaching the desired outcomes.

The need to address ‘systems’ in development was generally ignored. The result was that even where minor gains in policing development were evident, failure to deal with the realities of interdependencies virtually guaranteed that such gains would eventually be lost. On a broad scale, positive impacts on police development could never be sustained over the long term without a corresponding progress in the judiciary.

There was also no collective response when faced with evidence that development measures would not be sustainable. The failure of the Haitian Government to contribute in any meaningful way to on going development programs, or to move forward with programs that had been completed by the donors, was obvious. This should have been an early warning sign, one that might have been reversed under pressure by a unified partnership of international donors.

The need to involve and educate the civil sector and the general population in terms of justice development was essentially overlooked by the international community. Likewise the Government of Haiti had no strategy to legitimize the police as a viable security element. Even worse, evidence of growing police corruption (detrimental to public acceptance of a new police, and development generally), and evidence of an absence of political will, did not precipitate collective action by the partners.

The growing evidence of an absence of a ‘political will’ on the part of the Haitian Government seemed everywhere. From the lengthy periods of government inaction (in particular following the resignation of Prime Minister Rozny Smarth, and generally where election issues were concerned), to the failure to deal openly with issues of corruption, politically motivated crime, and the obvious reluctance to deal transparently with virtually any issue, the apparent absence of ‘will’ could hardly be ignored. There

was perhaps no factor more singularly important to limiting the success of development than the failure of the Haitian government to accept responsibility for, and contribute fully to its own development and its avoidance of a leadership role. This issue, as fundamental as it seems, was never openly confronted and dealt with.

Finally, human rights abuse was a fundamental reason behind the international intervention into Haiti. When faced with the reality of persistent problems of human rights violations, even in the midst of an international presence, there was no collective response nor change of development strategy. As an indicator of the success of 'inputs', as well as a gauge of development to positive 'outcomes', on going issues of human rights violations were evidence that real and sustainable progress was still some way off.

## **Chapter 5      Conclusions and Recommendations:**

The case of the international intervention into Haiti has provided an important opportunity to examine the partnerships involved in peacebuilding from a rather unique perspective. Given the considered importance of an effective justice system as a foundation for successful peacebuilding, this analysis has focussed on that sector, especially policing. In the case of Haiti and its long history of repression, the need for development in justice related institutions, especially a professional civilian police, was recognized as a fundamental starting point to establishing stability and creating an environment conducive to further development. As well, the case of Haiti represents the shifting opinions of the international community regarding the sanctity of sovereignty and willingness to intervene in matters of human security. Equally important is the fact that there was no shortage of financial or human resources available for the task, and a number of development 'partners' were involved. Finally, and perhaps most importantly, multilateral peacebuilding occurred in an environment generally free of open violence and ethnic or religious strife, realities that plague development efforts elsewhere in the world.

Various factors that tend to complicate the peacebuilding mission were examined, as were factors tending to complicate multilateral partnerships. The analysis revealed that to the extent that there was only limited cooperation, exacerbated by an absence of clearly defined roles, and that issues of national self-interest intruded, the 'partnership' was less effective than it otherwise might have been. There was little consensus among donors regarding priorities, interdependencies in development were not recognized, and long range coordinated planning did not take place.

Within the idea of collective 'partnership' in development, the important role of the recipient state as a partner, and as leader of its own development was also explored. The failure of the Government of Haiti to take this responsibility, and indeed evidence of an absence of 'political will' to see change brought about, also impacted negatively on development, and simply could not be overcome by a weak partnership.

Finally, it was revealed that development activities were having no positive

impact on human rights issues. In the context where human rights are a fundamental indicator of development success, and indeed provided a central issue behind the international intervention in the first place, the positive ‘outcomes’ that are the goal of peacebuilding still seem some distance off.

The differences among international partners, be they philosophical, resource-based or self-interest-based, while real, need not be barriers to unity of action. Indeed, the peacekeeping intervention, and transition from the Multinational Force to the first UN Mission in Haiti (1995) proved that international partnerships could work. What is needed is forward thinking leadership that is capable of overcoming the inherent difficulties of a multi-national model. Specifically, greater attention needs to be directed to collective goals, a success framework that focuses on the collective impact, and the need for a recipient-partner with a ‘will’ to facilitate change. In the absence of such a formula, the goals of multinational peacebuilding will remain elusive and unfulfilled.

### **5.1 Human Rights as a focus of Justice Sector Peacebuilding:**

Examining justice development in different contexts, and setting measurable and attainable goals toward the broader objectives of peacebuilding, may be the key to providing a better focus for multilateral and bilateral operations. Issues of human rights are central to such an approach.

The arguments in favour of more acute attention to the issue of human rights are strong. Increasingly it is recognized that a pattern of human rights abuse underlies societal instability and the breakdown of government structures. The Universal Declaration of Human Rights (1948), advanced a common level of recognition in matters of fundamental freedoms, and thus challenged traditional ideas of the authority of the state over the individual.<sup>148</sup> Now, state sovereignty, as an issue in international diplomacy, is becoming less and less compelling as the international community addresses intra-state conflict in cases where human security issues are apparent. Additionally, all states have a responsibility to attend to matters of human rights, and meaningful institutional development is contingent upon human rights development. Human rights must be a central criterion to determining the effectiveness of aid; stated

over a decade ago, and now a refrain of some popularity, “all aid is or should be about human rights”.<sup>149</sup> This is supported by the notion that international human rights obligations are met only when national laws and institutions meet the appropriate standards.<sup>150</sup> If human rights are not affected by an international intervention, then its only success may be in cementing the attitudes, organizations, and structures responsible for abuse.<sup>151</sup>

The concept of human rights and fundamental freedoms is broad. This must be recognized in terms of the relevance to specific situations, and of course to the specific development initiatives underway. At the same time, it can be argued that certain minimum standards of human rights, widely supported in treaties, conventions and protocols, have come to be regarded as universal.<sup>152</sup> This said, should we not turn to the measurement of human rights as recognized in international law, regardless of location or environment, as a foundation for results measurement of justice development? Indeed, if issues of human rights are central to the notion of peacebuilding, and the foundation of peacebuilding is justice, it is logical that justice development must pay particular attention to issues of human rights.<sup>153</sup>

Beyond the argument for the primacy of human rights as an overriding goal of justice development, human rights issues were monitored, measured, and reported on Haiti by MICIVIH. From that perspective, improving human rights conditions, as an overriding goal of justice development, would have provided a central theme in justice development to better coordinate activities and measure success. Further, more attention to statistics pointing to human rights abuse might have forced the Government of Haiti toward more aggressive action in dealing with justice issues, and helped instil a transparency of process and a measure of public accountability that was lacking. Instead the partnership, dogged by a poor collaborative effort (among other weaknesses), focussed on the ‘inputs’ of development rather than the impact and outcomes. As a result the target was missed.

## **5.2 The Future:**

Many lessons have emerged from the experience of working in an environment of

relative calm (political chaos notwithstanding), with bilateral and multilateral ‘partners’ sharing the same development turf, all addressing the challenges of rebuilding a totally dysfunctional set of institutions. The most important lesson may be that development of the justice sector in Haiti will not be successful until it is recognized that peacebuilding demands a “common vision of the future and a living social pact”.<sup>154</sup> This is to suggest that the complexity of the exercise needs to be acknowledged, and that attacking the challenges successfully requires a singularity of focus and unity of action that, up to now, has not been present among international partners. Simply continuing to attend to the “laundry list” of activities, in the absence of a coordinated long term strategy, has failed.<sup>155</sup>

Stronger diplomatic measures, ‘preventive diplomacy’ as it were, may be the key to a new level of cooperation, and a more focussed approach. Such an approach involves first a push for a more affirmative commitment by the Haitian Government to take responsibility for its own justice sector development. Next would be stronger and more direct action in moving the development of the judiciary forward, consolidating civil society, public education, transparency of process, and dealing head on with the spreading disease of politicization and corruption. This must include a commitment to sustain and build upon those limited successes that have already been achieved. In short, an international community, unified in purpose, must hold the Haitian Government accountable for its performance.<sup>156</sup>

Central to a more aggressive approach is the necessity of refocusing justice development from the treatment of general issues to one of improving human rights conditions specifically. The importance of this objective cannot be overstated. Zeroing in on the human rights situation would serve as a catalyst for international cooperation. Successes would be reflected in an improved justice system, a transparency of process, an increased public confidence in democratic processes, and a new efficiency of the operational and administrative systems required to make the justice system work.

Jean-Bertrand Aristide, recently elected once again as President of Haiti, faces challenges in justice development only marginally less onerous than when he left office some five years ago. The latest UN mission (MICAH - Civilian Assistance Mission in

Haiti), ended in February 2001, this time with no extension granted. The UNDP mission is also concluded. Most importantly, at least from a financial perspective, the US, the largest financial contributor to justice development, ended its project in the summer of 2000. Canada, with a scaled down project, working only at the Haitian National Police Academy itself, is the only 'partner' remaining.

To what extent have these donors become frustrated by the limited progress of the first five years and the failure of the Government of Haiti to show a commitment to change? Could they be enticed to return, even in a limited way, to an environment more conducive to real change? Certainly a first approach must be to the United States, in order to profit from its significant financial resources and capacity to influence other donors. How though would that be achieved in light of Aristide's historically confrontational relationship with the US?

The next order of business in justice development in Haiti must be the political task of encouraging the international community to return. The first priority of any new partnership that evolves (a partnership that must include a committed Haitian Government), must be to re-organize justice development on the basis of the lessons learned from past failures; the need for real collaboration and cooperation, singularity of purpose, and a focus on the outcomes, particularly with respect to issues of human rights.



## **Chapter 6     Implications for Canada:**

In 1996, Lloyd Axworthy, Minister of the Department of Foreign Affairs and International Trade (DFAIT), introduced the 'Human Security Agenda', with peacebuilding as its vehicle, to serve Canadian foreign policy interests while contributing to the changed requirements of international conflict resolution.<sup>157</sup> While Canada was already contributing to the UN mission in Haiti, that same year the Canadian International Development Agency (CIDA) introduced justice sector development projects. This marked not only Canada's first such project in policing, but it was also among the first bilateral peacebuilding exercises directly related to the goals and objectives of the Human Security Agenda.

In the context of the changed nature of international conflict, a human security approach, one that focussed not on state security, but on the security of individuals and populations, was considered critical.<sup>158</sup> The idea recognized the complexity of peacebuilding, the importance of the basic security needs of the individual, as well as acknowledging that sustainable development, human rights and fundamental freedoms, the rule of law, good governance, and social equity were all important to global peace. It concluded that lasting stability could not be achieved until human security is guaranteed.<sup>159</sup>

The 'Human Security Agenda' was seen to be consistent with notions of 'soft power', developing desirable outcomes through consensus rather than coercion, and through Canada's status as a 'middle power', influencing international action through networks and coalition building.<sup>160</sup> The human security agenda was to be carried on the peacebuilding platform and Canada, having built a solid reputation in peacekeeping, had the credibility and capacity to play a significant leadership role. Further, in the traditions of peacekeeping, Canada could enhance its international reputation and identity in furtherance of good governance, democracy building, and respect for human rights. Formally announced in October 1996, the Human Security Agenda initiative called for measures to strengthen and solidify peace through sustainable development.<sup>161</sup>

Canada has been involved from the outset in international initiatives to develop

the justice sector in Haiti. Working in conjunction with the first American initiatives to create the Haitian National Police, Canadians assisted in the initial planning, then served as instructors to the 5300 recruits trained in 1995. Beyond this, the RCMP, at their national training academy, trained 100 Canadians and Americans of Haitian extraction. Multilaterally, Canada led the first UNCIVPOL Mission in Haiti, and contributed approximately 1/3 of the police contingent to each of the subsequent missions. In 1996 bilateral development programs were added in both policing and the judicial system.

From a foreign policy objective Canada has played many cards in Haiti, and its self interest has been well served. First, multilateral relationships were furthered (ie: UN, La Francophonie). As well, there was a regional collaboration with the US, and Canada's presence impacted favourably on its position in the Organization of American States.<sup>162</sup> The Canadian presence in Haiti also served a domestic interest, catering to a rather large and presumably pro-federalist community of Haitian-Canadians in Montreal. Bilaterally, Canada's human resource contribution to justice development was the largest and its financial contribution second only to the US (albeit a distant second). Further, Canada's presence in Haiti was characterized by the presence of Canadian citizens working independently on behalf of other international donors.<sup>163</sup> In turn, the multilateral commitment to the CIVPOL and the bilateral policing development project were the most visible of Canadian initiatives in Haiti.

This dual level of participation raises interesting questions in terms of foreign policy objectives for Canada. On the one hand, multilateral operations are recognized as exemplifying the notions of cooperative security that have been primary in Canadian Foreign policy.<sup>164</sup> Still, despite its sizeable and perennial contribution to the CIVPOL mission, serving since 1996 under French executive direction in Haiti, Canada was only a supporting player. This is not to say that on an individual level Canadians did not make important contributions to the UN mission. Indeed they did, but these contributions were for the most part in the far flung locales of the Haitian hinterland, while French officers dominated the decision making positions at the committee and board room tables in Port-au-Prince. In what has amounted to a French lesson in 'making the most of your multilateral position', it could be argued that in the absence of a real collaborative effort

among the international community, and in particular the isolationist approach of CIVPOL under French direction, that while Canadian foreign policy goals of multilateralism were met, goals of the mission were not.

The international effort was impacted generally by the complexities of peacebuilding: cultural issues, expense, issues of self interest, the baggage of multilateralism, the need of systems development, and the lack of political will on the part of the recipient. In brief, the international partnership was not effective in maximizing the resources available, and was not single minded enough to pressure a Haitian political structure unwilling to take responsibility for its own development and thus profit from the opportunities presented. The Canadian bilateral programs, as was the case with all the international programs, fell victim to the complexities of the problem and the inability of the partnership to overcome them.

The training and development of a corps of criminal intelligence analysts (BRJ) was a unique, and given Haiti's history of repression, a risky one from CIDA's perspective. Two years of committed and successful work in this area slowly crumbled when interrelated and interdependent programs sponsored by other international partners failed, and the HNP failed to take responsibility for sustaining the program.

There were numerous examples of duplication of training efforts, simply because one 'partner' did not recognize, or simply ignored the work of others. Regular planning, scheduling and sharing of resources among partners was rare, and Canadian attempts to rectify the problem through a more business like approach were not embraced by the other 'partners', including the Haitians themselves. The exceptions were Canadian-American collaborations which, while showing some success, occasionally fell victim to decisions based on US self interest. One example was the secondment of Canadian trained analysts of the BRJ (Intelligence Unit, HNP), for work on the Joint Intelligence Coordination Centre (JICC). In that the focus of the JICC is the international trans-shipment of drugs destined for the US, it in no way represented a priority in HNP development. In effect, Canadian development resources had gone to serve US self interest.

Another Can-Am program, an elaborate program of development for crime lab

personnel (US), and forensic technicians (Can.) was left in Canadian hands when the US contribution and interest waned, then ended with the conclusion of the ICITAP project in the fall of 2000.

The failure of the GOH to take responsibility for development and to sustain the work of the international partners impacted every Canadian programs. One simple example serves to illustrate. The Resource Centre/Library at the HNP Training Academy, a Canadian initiative to develop the centre and train employees, remained closed after completion. When Canada politely declined to pay the Haitian employees, the HNP did not open the facility.

A potentially important program for the development of a 'Police Secours' (a unit of highly trained 'police officer-first aiders'), intended to service the remote areas of the country, simply fell apart as a result of political interference. This program, a dynamic idea of the HNP Director General, would have served many purposes including legitimizing the police with the rural public. Involving local civil society, the plan was created to incorporate the Haitian Red Cross in the development process. When Canada declined to hand over direction of the project, along with the development money attached, there was a political intervention and the Haitian Red Cross withdrew its commitment. Rather than allow the program to proceed without the Haitian Red Cross, the entire plan was scuttled without reason or alternatives considered.<sup>165</sup> All time and money spent on the first steps by the Canadian project were wasted.

If there was one program that exemplified the model proposed in the Human Security Agenda, and one that promised success in spite of the multiple difficulties identified, it was in the area of management training. Created expressly in consideration of Haitian realities (a specific, Haitian model, as it were), this program was highly regarded. Set in place expressly to assist in the development of competent and professional managers (a glaring weakness in the HNP), the program exposed candidates to Canadian cultural values in the process. It was unique among the international programs in that it attracted, on a voluntary basis, high level executives in the Haitian National Police, and interest from the Ministry of Justice. Success in this program, however, was very much a long term goal, with real impact anticipated only after trained

'managers' reached higher levels of authority in the organization. In the absence of perceivable immediate impact, and faced with financial cutbacks to the Canadian project, this program was trimmed.

All of this is not to say that there were no Canadian successes. Indeed, Canada was tasked with some of the most complex programs, programs that by definition would only see desirable outcomes in the long term. The programs of management training, criminal intelligence, forensic identification, and instructor development are among these. Unfortunately the successes, by and large, remained at the level of inputs, and were not carried over into outputs.

Overriding any success, of course, is the question of sustainability; more specifically the willingness of the Government of Haiti to sustain programs, and the extent to which Canada has contributed to closing the gap between the original need of development and the abstract outcomes of the peacebuilding mission, democracy, good governance, justice, security and stability. One indicator of the gap remaining is the extent to which human rights abuse still exists. While evidence of a committed Haitian government, especially in the context of issues of sovereignty, is largely subjective, evidence of a failure to address issues of human rights is not. Given this, it may well be that while Canadian foreign policy goals of multilateralism have been addressed, more specific goals of the Human Security Agenda remain elusive.

The 'Human Security Agenda' suggested that Canada could, through its 'middle power' status, extend specific influence in peacebuilding, profiting from its peacekeeping experience and a 'soft power' approach. In truth this did not occur to any significant degree. While by no means unique, the success of the Canadian contribution was surely impacted by, among other realities, the failed partnership, US self interest, French control of the UN police missions, and most importantly, the absence of political will by the recipient. However, opportunities to play a more significant 'middle power' role may lie ahead.

Canada seems committed to follow through with its justice sector initiatives in Haiti, showing determination to make a useful contribution, even as other international donors have ended their commitments.<sup>166</sup> While some might argue that there is a certain

naivety in persisting, in the absence of tangible results and a clear commitment by the recipient, it can also be argued that there can be no illusions about the time required to change behaviours acquired over a period of 200 years or more. From this perspective Canada may be in an important position to lead any renewed international efforts in justice sector development. In this respect its reputation as a multilateral partner, experienced international developer, and results-driven provider of service, may be put to better advantage.

Future success, however, will not be managed without an important change in the focus of justice sector development. Human rights, as an overall umbrella of justice development, is not only rational from the perspective of cooperative security, violations can be measured empirically as a indicators of the state of justice generally. Moreover, specific types of human rights abuse can and should be used more specifically as indicators of success of international projects and program initiatives, and as measures of commitment of the recipient state to facilitate and encourage change. Furthermore, a focus on human rights issues as a goal of sustainable development is consistent with CIDA philosophies of development, and the principles of measurable results that guide them. Focus on this one issue could serve to better coordinate donor contributions, hold the Haitian Government accountable for appropriate results, and reflect the potential for sustainable outcomes. Canada is capable of spearheading any such approach, and to a certain degree is capable of encouraging other donors back to the table to help do it.

Haiti has represented a unique development experiment, having in effect controlled for the independent variable of ongoing conflict. As a multilateral player, Canadian program success is always dependent on wider international success, and to the extent that has failed in Haiti, Canadian success has been limited. In terms of future Canadian multilateral missions, beyond the recognized complexities of peacebuilding, problems of cooperation and collaboration among partners, and the realities of dealing with a recipient seemingly less than determined to promote sustainable change, should be carefully considered as factors likely to impact a successful outcome.

	<b>Policing Philosophy- Development History</b>	<b>Personnel - program support</b>	<b>Methods and Focus</b>
<b>Canada- bilateral mission</b>	Founded in British 'common law' traditions of justice. In recent decades there has been an evolution from the notion of reactive enforcement to proactive service, reflected in the philosophy and practice of 'community policing' (active participation in policing issues and needs by all sectors of the community). The RCMP, Canada's national police service is funded to administrate development in policing internationally. Canada has a long history of police training, crossing many cultural lines. Haiti is the first full training and development mission.	Technical experts and trainers are volunteers from a cross section of policing organizations nationally (principal contributor being the RCMP), or contracted retired police officers. Canada has such continuity of policing standards that they are virtually national standards. Significant financial support were available for programs (planned 5 year program \$14.7 million) <sup>168</sup> . In 2001 the Canadian bilateral is the only one still operating to any degree.	Driven by a 'problem solving model', training is tailored to the specific needs, and realities of sustainability of the recipient country. A holistic development focus where long term benefit can be derived by the recipient is preferred (ie management). Development ranges from basic skills training, to mentorship programs, to professional training placements. 'Training of trainers', or self sufficiency of the recipient as soon as possible is stressed. Canada prefers to engage in activities which are 'soft' in nature-ie technical and admin. capability. <b>Strength:</b> 'problem solving model' of development, flexible to different cultural and economic realities; continuity of programs operationally and administratively; access to the full range of experts; evaluation and follow-up. Long term commitment. <b>Weakness:</b> ready access to serving police officers is difficult given the stresses on policing resources in Canada.
<b>United States- bilateral mission</b>	Evolution of the British 'common law' traditions of justice. The notion of 'community policing' began in the US, but with many jurisdictions at the municipal, county, state and national level, the notion is not fully developed as 'standard'. The notion of reactive law enforcement is still widely prevalent. Development is organized by ICITAP an administrative branch of the US Dept. of Justice. It is not itself a police organization.	All ICITAP 'trainers' and technical experts are independently contracted, often from widely diverse policing backgrounds and experience <sup>169</sup> . ICITAP often hires foreign nationals for service delivery where English is not the language of work. Programs are massively supported financially; in excess of \$100 million the since 1993. <sup>170</sup> The US program was halted in the summer of 2000.	Subject matter experts deliver specific training programs that are/have been offered by the US in a many countries around the world. The development product was 'off the shelf', and tended to focus on skills rather than holistically on organization development. Development focus was widespread covering the entire range of necessary fields of work but with little continuity across the range. ICITAP itself is a small administrative organization, albeit with a large budget. Demonstrated preference to instruction in 'hard' policing activities-ie: shooting skills, tactical interventions. <b>Strength:</b> financial contributions to supporting development, commit long term <b>Weakness:</b> absence of a holistic and flexible approach, absence of evaluation and follow-up.

<b>France-bilateral mission</b>	Founded on Napoleonic traditions of justice. Order maintenance, state and public security are principle to policing mandates. France has a long history of policing development primarily in former French colonies and within La Francophonie.	Personnel, serving or retired, Gendarmerie or Police Nationale. The para-military Gendarmerie is dominant. Little money was available to 'kick start' programs. Small bilateral contribution US \$300,000. <sup>171</sup>	Traditional training methods, strictly applicable to the French example, was stressed. While potentially holistic in approach, the systems offered were not offered as flexible templates to local realities. <b>Strength:</b> potential access to a wide variety program specialists. <b>Weakness:</b> Inflexible approach, few human and financial resources in support of the bilateral program.
<b>UNDP multi-lateral mission</b>	The development arm of the UN, UNDP has no policing philosophy or institutional foundation in policing. Venture into policing development is an extension of 'An Agenda for Peace'.	Contractors are hired to meet specific needs. Some funding is available to support development programs.	This program focussed on the placement of technical advisors but offers no concrete plan in any specific area of development. It's presence had been supported administratively by the various UN missions that have served in Haiti.
<b>UN multi-lateral missions</b>	No specific policing philosophy although the focus always emphasizes human rights. The role may vary from monitoring of local police, election monitoring, investigation of human rights violations or war crimes, to training. UN policing mandates in Haiti evolved from the role of peace-keeping to an increased training and development role. Haiti was the first UN CIVPOL mission where police officers were armed. [The last UN Mission in Haiti (MICAH, see figure 2.), was neither a uniformed, nor an armed mission, at the request of the Haitian government.]	Personnel are selected by contributing countries. UN standards for selection are minimal <sup>172</sup> . France, Canada and the US were major contributors to the UN missions. Given the large number of countries that staff UN missions there is an equally wide range of experience and capability represented. To a degree there was attention to recruiting individuals with specific experience or skill sets. CIVPOL contingents 'in the field' were reduced in size from a high of 900 (1995) to 150 (1999) personnel in country. See note 1.	While guided by the UN mission mandate, the commander (commissioner) of a UN CIVPOL mission has considerable latitude in how the mandated is executed. In the absence of a formal UN training and development program, the contribution of a mission is left much to the discretion and experience of the commander. France has held the commissioner position of CIVPOL since 1996. Since that time the Haiti missions took a distinctive French 'flavour', focussing on monitoring and a reactive style. None of the other 'major' contributors to the mission played an important role in operational or administrative decision making. Training that was done tended to be in a 'classical' lecture style, was not progressive in design, and is not concretely set in plans to prepare trainers and handing over responsibility to the recipient country. <b>Strength:</b> significant human resources. <b>Weakness:</b> ad hoc and often disjointed training, dependent upon the skills and leadership of a particular mission, no development funds directly accessible for development initiatives, uneven standards of experience among personnel.



## UNITED NATIONS MISSIONS IN HAITI

## Appendix 2.

Name	Dates	Composition	Detail
<b>UNMIH</b> United Nations Mission in Haiti	Oct. 1993		Governor's Island Accord calls for the return of President Jean-Bertrand Aristide by Oct. 30 1993. The accord initially fails when violence erupts in the country. UN human rights monitors (in country since early in the year, and recently arrived 'advance party' peacekeepers are evacuated. Mission abandoned after 1 month.
<b>MNF</b> US led Multinational Force	Sept. 1994	21,000 military primarily US.  821 Civilian police monitors	UN Security Council-Resolution 940 authorized the MNF to use of all means necessary to restore the legitimate government to power. MNF to be replaced by UNMIH. Interim Public Security Force (IPSF) to be created to deal with the 'security gap between the displaced military and a new civilian police.
<b>UNMIH</b> United Nations Mission in Haiti	31 Mar 95 - 30 Jun 96	6000 military (2500 US) 900 civilian police	Re-established to replace the MNF that secured the return of President Jean-Bertrand Aristide and the exit of the de facto military regime. Tasked to remain to the conclusion of presidential elections following the conclusion of the Aristide term of office. Dec. '95, following the election of President Préval, CIVPOL begins it's transition from an operational to training role, downsizing from 900 to 600. Canadian led CIVPOL mission collaborating closely with US led Haitian National Police (HNP) training initiatives. HNP basic training ends Feb '96
<b>UNSMIH</b> United Nations Support Mission in Haiti	1 Jul 96 - 30 Jun 97	1200 military 300 civilian police	France takes charge of the policing component of UNSMIH, Canada the military component. Bilateral programs begin in the spring of 1996, as training of the HNP moves into an institutional building phase.
<b>UNTMH</b> United Nations Transition Mission in Haiti	1 Aug 97 - 30 Nov 97	300 police (includes 150 deployed in the field, the remaining being the Argentinean Security Force	The Canadian led UN military component is withdrawn. Bilateral and multilateral efforts in policing development continue. Argentina to supply a force of 150 to the police mission addressing international security concerns in the absence of a military presence.
<b>UNPMIH (MIPONUH)</b> United Nations Civilian Police Mission in Haiti	1 Dec 97 - 30 Nov 98 extended to Mar 2000	300 police (includes the Argentinean security group)	The latest extension, from Dec. 1999 - March 2000 is to facilitate a smooth transition to a new (not renewed) mission. Recognizing the absence of parallel development among the different sectors of the justice system, a more holistic approach, across police/justice/ and prisons, all under an umbrella of an improved human rights is under development.
<b>MICAH</b> United Nations Civilian Assistance Mission	Feb 2000 Mar 2001	Serving police and contracted advisors were placed at management levels. This mission was non-uniformed and unarmed, at the insistence of the Haitian Gov't.	This mission, in principle, represented a more holistic approach. Technical advisors at the executive and upper management levels were to facilitate development in a mentor role in justice, policing and prisons. Overall attention to issues of human rights was an important concession to having a singular international focus.

Y Variables		X Variables			
Justice	<i>inputs</i>	<i>short-term impact</i>	<i>mid-term impact</i>	<i>outcome</i>	<i>goals</i>
<b>police</b>	training programs mentoring programs development funding	▲ understanding & acceptance of role of police in civil society ▲ awareness & understanding of HR issues in civil society ▲ police professionalism ▲ attention to HR complaints ▲ policies & procedures sanctioning HR abuses	▼ incidence of HR abuse	▲ public confidence in police (justice system) ▲ sense public security ▲ transparent processes ▲ police accountability ▲ neutrality of police ▲ media sensitivity ▼ police corruption ▼ fear of police ▼ sense of impunity	▲ public security ▲ personal security ▲ police integration with civil society - community policing
<b>Civil Society</b>	deploy HR monitors investigators training and support to civilian oversight groups creation support HR civilian watchdogs cooperation with international HR org's media relations	▲ understanding of role of civil society in security ▲ understanding of police and public interrelations ▲ public awareness of HR	▲ public willingness to report ▲ increased access to systems ▲ balanced media reporting	▲ transparency of process	▲ public confidence in judicial system
<b>Govt</b>	'preventive diplomacy' & action diplomacy treaties, accords, letters of understanding	▲ prosecution of violations ▲ awareness of role and responsibilities of govt in civil society ▲ govt position & action on corruption	▲ non politicization of systems ▲ reduced corruption	▲ international confidence ▲ investment & trade ▲ exchange	▲ good governance ▲ security ▲ democratic process ▲ stability

**1986**

Jean Claude 'Baby Doc' Duvalier, successor to his father 'Papa Doc', is overthrown as Haitian president and leaves the country with US assistance. While the international community urges Haiti toward democratic elections, the next four years are marked by political instability, a series of short lived governments, election irregularities, and military interference, including 'coups d'etat'.

**1990**

In December Jean-Bertrand Aristide is elected president of Haiti in the country's first truly democratic exercise. He collects 67% of the popular vote.

**1991**

In September a military coup, led by Lt. General Raoul Cédras, the Aristide government is over-thrown. Aristide is exiled. The military launch murderous attacks on Aristide supporters and thousands flee the city of Port au Prince. A unified international community implement sanctions.

**1992**

By February thousands of refugees have started to flee the country. Many have already been intercepted by the US Coast Guard, while many others of the 'boat people' are lost at sea.

**1993**

In March a joint UN/OAS civilian mission to Haiti (MICIVIH) begins deploying human rights monitors.

In July, negotiation with the Haitian military junta, led by Lt. General Cédras, leads to the establishment of the Governor's Island Accord, calling for the return of President Aristide by October 30, 1993.

On October 8<sup>th</sup> the USS Harlan County, with a small multinational peacekeeping contingent aboard to assist in Aristide's transitional return to power, is confronted by an armed mob associated to FRAPH (Front for Haitian Advancement and Progress, a paramilitary organization linked to the de facto government). The mission is recalled rather than face a threat for which it was unprepared. (Note that this event took place in the wake of the killing, and public desecration of 18 US soldiers in Somalia.)

Violence against foreigners increased (in particular those of the joint UN/OAS civilian mission and human right observers), increased. On October 13<sup>th</sup> UN personnel are evacuated and international sanctions, lifted in support of the Governor's Island Accord are reimposed.

There are indications of in-house subversion by the US in that the Central Intelligence Agency (CIA) supported the FRAPH and its leader, Emmanuel 'Toto' Constant, as a buffer to the popular support for exiled President Aristide.

Antoine Emery, an Aristide supporter and financial backer is murdered. On October 14<sup>th</sup>, Justice Minister Guy Malary. Members of the international community, including HR observers are withdraw.

#### 1994

In March it is reported that politically motivated attacks and murders by FRAPH have increased dramatically. MICIVIH human rights workers are attacked after reporting such events.

On April 22<sup>nd</sup> FRAPH massacre 27 people in the Raboteau section of Gonaives.

In the face of worsened conditions, US plans are well underway for a military intervention. On July 31<sup>st</sup> the UN Security Council passed Resolution 940 call for the use of 'all necessary means' by a Multinational Force (MNF - almost entirely American) to remove the military government and return Aristide to power. A smaller UN component (UNMIH - United Nations Mission in Haiti) was to follow once security was restored. The UN mission would be mandated to stay until after the elections of a new President to replace Aristide who's one term mandate was expiring, albeit that he had essentially served his term in exile.

A US plan to create the Haitian National Police (HNP) is already under development by ICITAP, the justice development agency attached to the US Department of Justice.

On September 19<sup>th</sup>, a last minute diplomatic effort led by former US President Carter produces a negotiated alternative to an aggressive deployment by the MNF. The force of 21,000 moves into Haiti unopposed and in a permissive environment.

The US led plan to create an Interim Public Security Force (IPSF), consisting of 'vetted' Haitian soldiers begins. This temporary force would patrol with, and be monitored by, the International Police Monitors (IPM, later replaced by CIVPOL), and the MNF. Working jointly with Haitian counterparts the foreign deployment has some legal authority, and as required works within UN Resolution 940 that authorized the use of as much force as necessary to security/stability. This plan is to be phased out between June 1995 and February 1996, as ISPF is to be replaced by the HNP.

Efforts to work with existing Haitian security forces fail. 10 Fad'H members are killed in a shootout with US Marines, and there is a violent FRAPH attack on peaceful demonstrators. In the face of continued Haitian on Haitian violence US troops (MNF) are given broader police style powers, and Michel Francois, then Haiti's Director General of Police, is ordered to bring violence to an end. Plans to create a new Haitian National Police were hastened.

A series of events exacerbate the US - Aristide relationship which is tenuous at best, Aristide having been openly critical of US policies, particularly concerning the interdiction of refugees. US - Haitian political tensions are intensified amid stories of a history of US Central Intelligence Agency support of the FRAPH. The US military seizes 60,000 documents from Fad'H/FRAPH headquarters that allegedly reveal the identities of human rights abusers, and CIA 'assets'.

Former FRAPH head Emmanuel Constant, admits to having been a CIA 'asset' (CBS television '60 Minutes'). He was allowed to leave Haiti on a tourist visa. Detained only temporarily in the US, he is soon released. Another principle of the repressive military regime, General Prosper Avril, is allegedly 'tipped off' and escapes arrest by seeking refuge in the Colombian Embassy. Only 26 individuals, alleged criminals and human rights abusers are arrested by the MNF and turned over to Haitian authorities. President Aristide expresses verbal outrage, accusing the US and UN of complicity in protecting criminals of the repressive regime. He entices the population to take the law into their own hands. Almost immediately there is a response of riots and public demonstrations.

### 1995

Violent incidents involving the Fad'H move President Aristide to disband the military. Begrudgingly he agrees to a US demobilization plan to vet and retrain military personnel for interim police service. A US plan to maintain a small, vetted military are rejected by Aristide. However, former Fad'H find there way into the new Haitian police. Also, former military are brought into the ranks of the Presidential Guard and Palace Security.

Recruited into the ISPF are nearly 1000 pro-Aristide supporters from the refugee camp at Guantanamo Bay, Cuba. Approximately 3000 are temporarily employed in the IPSF. These groups receive 21 and 6 days training respectively. Also 100 Haitians are trained by the Royal Canadian Mounted Police (RCMP), a plan that would eventually fail as selection and favored treatment by the Haitian Government (Aristide) indicated this cadre may have been purposefully selected to eventually take a measure of control of the HNP. Many had dual Haitian-American or Canadian citizenship which, constitutionally, would have disqualified them from public service in Haiti. Most were fired when Rene Prevail became President.

A parallel plan to provide training for ex-military personnel, and assist them to find civilian employment would fail. Less than 10% of candidates are placed in the largely informal Haitian job market. Few ISPF would meet rigid standards for acceptance into the new HNP.

Training begins for the first class of the new Haitian National Police. 5000 HNP are to be trained and deployed by February 1996, timed in coordination with the end of the mandate of the UN mission.

March 31<sup>st</sup>, the US led MNF - Operation Restore Democracy is replaced by the United

Nations Mission in Haiti (UNMIH). The newly created HNP begin to replace IPSF personnel. There will be a series of UN missions, extensions and renewals, between 1996 and 2000.

In December prominent US Republican politicians accuse the Clinton Administration of suppressing information of political violence and the links to President Aristide. Aristide is accused on politicizing the new police. On the December 24<sup>th</sup> René Prevail is elected President of Haiti.

### 1996

Rene Prevail takes office as President of Haiti, replacing Aristide whose term in office has expired, albeit that most of the term was served in exile. The Haitian Constitution does not allow for successive terms in the Presidency. Pierre Denizé is named as Director General of Police by Prevail. The nomination is ratified by the Haitian parliament. A succession of other candidates had been considered inappropriate for a variety of reasons. In February, the final class of the HNP recruits, trained under the two part ICITAP plan, are deployed (5243 total).

In March, UNCIVPOL switches from Canadian to French control. This signals a breakdown in coordination of policing development between the UN civilian police component and the development led by ICITAP (US Department of Justice). Canada which was given control of the military mission relinquished control of the police mission for UN political reasons. The French retained control of the UNCIVPOL, through a series of missions until 2000. The cooperative relationship of the first development partners (1995- UNCIVPOL and ICITAP) is not carried into the period 1996-2000, when all bilateral players were working in Haiti.

Bilateral development programs in the justice sector are established by the US, Canada, France, UNDP. The first development meetings of all 'partners' are held in the spring with the intention of having activities fully underway by summer.

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## Notes:

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2. Trevor Findlay, Challenge of the New Peacekeeper, (New York: Oxford UP, 1996).
3. Jonathon Goodhand and David Hume, "From wars to complex political emergencies: understanding conflict and peace-building in the new world disorder," Third World Quarterly, 20:13-27.
4. Irwin P. Stotzky, Transition to Democracy in Latin America and The Role of the Judiciary, (Westview Press, 1993) 14.
5. Francis Kofi Abiew, The Evolution of the Doctrine and Practise of Humanitarian Intervention, (The Hague: Kluwer, 1999) 212.
6. The current UN mission, MIPONUH (French acronym for United Nations Police Mission in Haiti), is the fourth police mission since 1993. The first, UNMIH established in 1993 was abandon after one month with the collapse of the first attempt to remove the de facto military government through the Governors Island Accord. UNMIH (31 Mar 95 - 30 Jun 96) was reinstituted to replace the US Multinational Force which entered Haiti when the Governors Island Accord was finally enacted. UNMIH was replaced by UNSMIH (1 Jul 96 - 30 Jul 97, support mission), then eventually replaced by UNTMIH (1 Aug 97 - 30 Nov 97 transition mission). The police component which was part of each of the first three UN missions, remained as MIPONUH. This mission ended Nov. 30, 1999, although a short extension was made to accommodate MICAHA (Civilian Assistance Mission in Haiti). MICAHA was, at the insistence of the Government of Haiti, non-uniformed, unarmed, and could not have the name United Nations in the name; it was suggested that another UN mission would reflect negatively on the government. See also appendix 2. (writer's notes 1996-2000.)
7. Harry Eckstein, "Case Study and Theory in Political Science," Handbook of Political Science, Vol. 7, Strategies of Inquiry, eds. Fred I. Greenstein and Nelson W. Polsky, (Reading Mass: Addison-Wesley, 1975) 79-135. Another proponent of the case study design, Robert K. Yin, Case Study Research: Design and Methods, (Beverly Hills: Sage, 1989).
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9. Francis Kofi Abiew and Tom Keating, "Outside Agents and the Politics of Peacekeeping and Reconciliation," International Journal, (Winter 1999-2000), 91-3.
10. David J. Whittaker, United Nations in The Contemporary World, (New York: Routledge, 1997) 55.
11. Boutros Boutros-Ghali, "An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-keeping", Report of the Secretary General of the United Nations to the Security Council on 31 January, 1992, (SC Doc. S/24111), International Relations, (Vol. II-3,1992) 201.
12. Chetan Kumar, Building Peace in Haiti, (Boulder CO: Reinner, 1998) 29-30.
13. John Lederach, Building Peace: Sustainable Reconciliation in Divided Societies, (Washington, DC: U.S. Institute of Peace, 1997) 29.
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Security Council, (April 1998) Para 63<<http://www.un.org/ecosocdev/geninfo/afrec/sgreport/report.htm>>.

16. Abiew and Keating, (1999), 97-99.

17. The Charter of the United Nations, Chapter VII, Article 42, 427.

18. David Purnell, see: ed., Stephanie Lawson, The New Agenda for Global Security, (Canberra: ANU, 1995) ix-x.

19. Samuel M. Makinda, see: ed., Lawson, The New Agenda for Global Security, (Canberra: ANU, 1995) 129-130.

20. Albrecht Schnabel, "The Changing Face of Interventionism," The Centre-Periphery Debate in International Security, (Clementsport NS: Canadian Peacekeeping Press, 1995)

82. This influence of the US was usually subtle, but not always.. In one particular case, a US Government drug intelligence initiative (JICC) 'seconded' HNP criminal analysts to work in a newly created Haitian branch of the US led intelligence network. As fully trained and very competent analysts these individuals were part of a Canadian development success (the analytical branch had been developed as part of the Canadian bilateral program). These individuals were scheduled to play an important role in the HNP preparations for Federal Election security in 1999-2000. Yet, their secondment to a US program, one totally unrelated to Haitian Police Development priorities, was made with nothing but token consultation. The HNP Director had virtually no say, in that cooperation with the US on 'drug related issues' is directly tied to a procedure of accreditation, without which, development funding can quickly dry up. The Canadian project, in the later stages of development, had to adjust its program to meet the unforeseen shortfall in personnel.

21. Jared Wright, "Conclusions: Problems and Prospects in Peace building," see: ed., Ann L. Griffiths, Building Peace and Democracy in Post Conflict Societies, (Dalhousie Univ: Centre for Foreign Policy Studies, 1998) 163.

22. Brinkerhoff and Garcia-Zamor, (1986), 271.

23. Kumar, (1998), 88.

24. Whittaker, (1997), 55.

25. Kumar, (1998), 30-1.

26. Sandra J. MacLean, "Contributions from Civil Society to Building Peace and Democracy," see: ed., Griffiths, (1998), 35. The wide-ranging problems and implications of Peacebuilding including parallel development are dealt with.

27. A 'system' of policing is indeed a complex net of sub-systems. Policies and procedures reflect cultural values, mores, traditions, and history. Organizational capacity is a function of human resources and financial realities. Administration affects operations and so on.

28. Boutros-Ghali, (1995), 201.

29. Derick W. Binkerhoff, Improving Development Program Performance. (Boulder CO: Reinner, 1991) 9.

30. Stotzky, (1993), 8. The indicators of a counterproductive governmental attitude, an absence of 'will' are described in the context of judicial development in Argentina.

31. Kumar, (1998), 88-9.

32. Binkerhoff, (1991), 194.

33. Ibid., 9-11.

34. MacLean, (1998), see: ed., Griffiths, 36-8.

35. Alison Van Rooy, "Civil Society and Democratization: Wishful Thinking?" See: ed., Griffiths (1998), 15-30.
36. Abiew (1999), 262.
37. Kumar, (1998), 89. The need of 'grassroots' involvement in Haiti is specifically addressed.
38. Murray Thomson, Kenneth Bush, and Barbara Shenstone, "Local Initiative for Peace: Community-level conflict Resolution," Paper for Canadian Peacebuilding Coordinating Committee 17 January 1998, see: ed., Griffiths, (1998), 46.
39. Winthrop D. Jordon, White Over Black, (New York: Norton, 1968) 376-93. Jordon offers an interesting historical account of the US/Haiti relationship, particularly with respect to the fear of slave revolt. See also: Nicholls, (1988). US influence in Haiti during the 19<sup>th</sup> and 20<sup>th</sup> centuries is discussed on a number of levels.
40. Kern Delince, Les Forces Politiques en Haiti, (Plantation FLA: Pegasus, 1993). This book provides a historical overview of politics in Haiti, from independence to the election of Aristide.
41. Walter C. Soderlund and Ralph C. Nelson, "Media Framing of Post-Cold War Crises in the Caribbean Basin: The 'Intervasion' Restoring Jean-Bertrand Aristide to the Presidency of Haiti, September 1994," (Windsor ON: Univ. of Windsor, draft of research in progress, 2000) 1.10.
42. Delince, (1993), 30.
43. Elizabeth Abbott, Haiti: An Insider's History of the Rise and Fall of the Duvaliers, (New York: Touchstone; Simon, 1998) 47. See also: Nichols, (1988). Noirisme, negritude and the ethnological movement of Griots, and issues of racial unity are discussed.
44. Delince, (1993), 308-10.
45. Abbott, (1988), 86-7. See also: Nichols, (1988), 215. It is suggested that while the 'macoute' was an instrument of control and terror, they served the purpose of pinching off political power of groups in opposition and solidifying support and control around the country.
46. Irwin P. Stotzky, Silencing the Guns in Haiti. (Chicago: Univ of Chicago Press, 1997) 27-9.
47. Kumar, (1998), 11-27. A chronology of 'key development events' from 1697 to the Aristide's return from exile in 1994.
48. P. Constable. "Dateline Haiti: Caribbean Stalemate" Foreign Policy 89 (1992-93), 185-95.
49. Soderlund and Nelson, (2000), 1.10.
50. K. Doyle, "Hollow Diplomacy in Haiti," World Policy Journal 6 (1994), 51-2.
51. Stotzky, (1997), 170-71. In a scene perhaps reminiscent of the its foreign political involvement of decades past, the Central Intelligence Agency is suggested to have had influence with FRAPH and knowledge of its activities, while withholding the information from other US Government agencies.
52. L. Berman and E. Goldman, "Clinton's Foreign Policy at Midterm", eds., C. Campbell and B. Rockman, The Clinton Presidency: First Appraisals, (Chatham NJ: Chatham House, 1996) 310.
53. United Nations, Dept of Public Information, Yearbook of the United Nations, (Boston: Martinus Nijhoff, 1994) 41.
54. Soderlund and Nelson, (2000), 1.17.
55. United Nations, Yearbook of the United Nations (1994), 41.

56. Human Rights Watch 1992 (Events of 1991), "Thirst for Justice: A Decade of Impunity in Haiti," <<http://www.hrw.org>>, (Sept.1996). Reports that despite his tolerance of vigilantism, including the killing of suspected criminals and political opposition, Aristide as a human rights violator, paled by comparison with the military government that threw him from office.
57. Notes, interviews and observations (1998-1999). Discussions with Jean-Paul Lupien, Program Manager, Prison Reform Development, UNDP. Port-au-Prince.
58. Robert B. Oakley, Michael Dziedzic, Eliot M. Goldberg, eds., Policing the New World Disorder. (Washington DC: National Defence University Press, 1998) 215-52.
59. Jean .Bertrand Aristide, "The Role of the Judiciary," see: Irwin P. Stotzky, Transition to Democracy in Latin America and The Role of The Judiciary. (Boulder, CO: Westview Press, 1993) 35-40.
60. Discussions with J. O'Neil G. Pouliot (1996). See also: Oakley et al, (1998), 215-34.
61. Michael Bailey, Robert Maguire, and J. O'Neil G. Pouliot, see: eds., Oakley et al, 215-34.
62. Ibid., 215-34.
63. Instructors trained in 'systems delivery' found the process of training in 'bulk' both frustrating and ineffective. Efforts to economize on time, at the expense of quality training, were common. For instance, if a particular piece of kit or equipment was to be issued to candidates, training might be suspended while the entire school of candidates were assembled. Interviews of instructors attached to the ICITAP program.
64. Prior to deployment of the bilateral missions, Canadian-American dialogue was routine, even daily. In contrast discussions with the UN and France, the other partners in the peacebuilding effort were far less frequent.
65. Schnabel, (1995), 82. This influence of the US was usually subtle, but not always. In one particular case, a US Government drug intelligence initiative (Joint Intelligence Coordination Center -JICC) 'seconded' HNP criminal analysts to work in a newly created Haitian branch of the US led intelligence network. As fully trained and very competent analysts these individuals were part of a Canadian development success (the analytical branch was developed as part of the Canadian bilateral program). These individuals were scheduled to play an important role in the HNP preparations for Federal Election security in1999-2000. Yet, their secondment to a US program, one totally unrelated to Haitian Police Development priorities, was made with nothing but token consultation. The HNP Director had virtually no say, in that cooperation with the US on 'drug related issues' is directly tied to a procedure of accreditation, without which, development funding can quickly dry up. Had Canadian development activities served US self interest?
66. Cynthia Weber, "Dissimulating Intervention": A reading of the US led intervention in Haiti (1995), 20 Alternatives, 265, see: Abiew, (1999), 219.
67. Makinda, see: ed., Lawson, (1995),129-130.
68. David Purnell, see: ed., Lawson, (1995), ix-x.
69. The Charter of the United Nations. Chap VII, Article 42, 427.
70. Kurt Mills, United Nations Intervention in Refugee Crises in the Post-Cold War World, (prepared for delivery at the 1997 annual meeting of the International Studies Assoc, Toronto, March 18-22 1996.
71. Justin Morris, "Force and Democracy, UN/US Intervention in Haiti," International Peacekeeping, (Vol. 2-3, Autumn 1995) 195.



72. Peter Viggo Jakobsen, Western Use of Coercive Diplomacy After the Cold War: A Challenge of Theory and Practise, (St. Martin's Press, 1997) 130-34.
73. Jurek Martin, "Clinton puts US Haiti mission on hold," The Financial Times, (13 Oct.1993), 7.
74. Michael Bailey, Robert Maguire, J. O'Neil Pouliot. (1998). In: Oakley 'et al'. (p. 218-219).
75. Peter Viggo Jakobsen, (1997), (137-38).
76. Bailey et al, see: eds., Oakley et al, (1998), 229.
77. ICITAP (International Criminal Investigation Training Assistance Program) is a coordinating agency of the US Department of Justice. The agency led US justice development activities in Central America and has, since beginning in Haiti, expanded to other development programs in South Africa, Lebanon, and Bosnia and elsewhere.
78. Interestingly, this secretary left her position and was replaced by a Haitian, after it became known to insiders that she had been paid a salary greater than the HNP Director General.
79. Such delays were particularly costly to Canadian programs, which at this particular time were focused on management training. At considerable expense a management training program had been created that was unique to the Haitian experience. Instructors trained specifically to deliver the material, and to identify Haitian candidates as future instructors, were often left to 'make work' projects on lesser priorities.
80. The use of polygraph examinations was a fairly standard practice of the American agencies where there was a considered security risk in dealing with Haitian police officers. This was particularly evident in the area of narcotic investigations and related activities.
81. The BRJ, the analytical branch of the HNP Judicial Police, was developed and trained by the CIDA-RCMP bilateral program. The branch had gained a reputation as a highly competent and honest group, to the degree that they had been called upon by the Director General to conduct sensitive investigations in lieu of other mandated units. Interestingly, this unit had no formal investigative training and no mandate to conduct investigations. Many were civilian police employees.
82. The writer had developed a relationship with the HNP Director General that permitted frank discussion of this nature. There was no denying that the movement of competent HNP personnel was an important loss. Fortunately, negotiation between the HNP, US and Canadian officials resulted in a reduction of the proposed secondment but with alternative training for some JICC employees to facilitate US needs.
83. This situation was particularly embarrassing to the HNP Director General who had been working closely with Canadian officials in the planning for election security needs. Among other initiatives \$1m Canadian had been earmarked for facility repair as part of the overall CIDA-RCMP development project. Ultimately this money was not spent on facility repair, and was in fact diverted to a new project in East Timor.
84. Jorge Orbando, see: Edmundo Jarquin and Fernando Carrillo, Justice Delayed. (Washington DC: Johns Hopkins Univ Press, 1998). UN justice development is discussed.
85. Canadian (members of the RCMP) and French Police worked under the direction of ICITAP during the initial planning, recruiting and training of the police.
86. The writer, in his capacity as director of the Canadian policing development effort (bilateral) was the Canadian representative to this group.
87. Experience and notes 1996-1999.

88. Among the international partners on the United Nations Development Programme (UNDP) (policing development program), embraced the process. However, in the absence of real support, and willingness to be guided by the process, on the part of the largest donor partners (US in terms of dollars, UNCIVPOL in terms of human resources) the real potential was never attained. Canada, and to a lesser degree, the UNDP used the documents and the business planning process as guidelines to their development contribution.
89. USAID efforts in reform of justice administration have failed miserably. A December 1999 report by CBS Television, '60 minutes' (Walt Bogdanovich, Producer) revealed that very little progress had been made. Also uncovered were the questionable qualifications of individuals working for the company contracted to do the development work. This included an executive within the contracted company (hired at the suggestion of USAID), who it was later discovered was a disbarred California lawyer, convicted of fraud against the US Govt.
90. Bailey et al, see: eds., Oakley et al, (1998), 234-37. \$18 million dollars in a 4 year program. In another judicial program sponsored by the US Department of Justice and managed by the Office of Professional Development \$1.9 million was available.
91. It was generally agreed that the UNDP justice project in prisons was making progress in development of potentially sustainable systems. The limited available budget, however was restrictive. By 1998, and as all programs seemed under close internal accountability, the UNDP was tightening it's belt. When contracts among the small core of development personnel were to be reduced, leaving only the program manager in place, other justice programs were actively canvassed for contributions in assistance. No assistance was forthcoming, and the likelihood of sustaining progress made was very much in jeopardy.
92. Bailey et al, see: eds., Oakley 'et al', (1998), 237-41.
93. Jarquin and Carrillo, (1998), 143.
94. Bailey et al, see: eds., Oakley et al, (1998), 239.
95. Oakley and Dziedzic, see: Oakley et al, 525.
96. This change in command of the international police representation reflected a political reality within the UN. Canada having taken over command of the UN military forces could not simultaneously hold control of the police mission as well.
97. There were situations of successful police-community interaction, to small city of Jacmel being one such example that was widely reported. Here the initiative on a local HNP commander was recognized and supported by the local CIVPOL commander. This relationship, on both levels, was not usual.
98. Notes, observations, and interviews 1996-1999.
99. Olivier Le Brun, Jean Dagenais, Lorrain Audy, and Ambassador Jonathan Moore, Technical Assistance to The Institutional Development of The Haitian National Police, Project HAI/97/005, (English Summary of Evaluation Report) August 1998.
100. Interest in development activities and participation by high ranking government officials was unheard of in other programs. While slow to development, word of the management training spread out and up within the police structure. In point of fact the Director General of police raised the issue of the high praise for the management training program that was coming to his attention. Such praise, he suggested, was rare in the Haitian culture, that it was directed toward a foreign driven activity was extraordinary.
101. Personal experience 1996-1999.

102. Brinkerhoff, (1986), 267.

103. The extent of the 'political will' of the Haitian government to push and sustain change was very much an issue. It is discussed in some detail later. While US commitment to development of the Haitian justice system had seemed clear, (Can-US discussions indicated bilateral programs were likely to run concurrently for 5 years) results had not been what was expected. Closer scrutiny by a Republican Congress was at hand, fueled by reports of police violence, corruption, and a less than cooperative recipient government. ICITAP planning became difficult. Development financing was being reconfirmed regularly, but the uncertainty made long term plans difficult. By 1998 ICITAP was reducing its staff of full time instructors and mentors, and shortening contracts of others.

104. Minimum UN standard for peacekeepers include a minimum level of service, the ability to drive a 4 wheel drive vehicle, and the ability to speak the language of the mission. Even these minimum standards are liberally interpreted by participating countries. In one example, an entire contingent was sent home when it was discovered the few in the group could drive and none were capable of speaking either French, English, or Haitian Creole.

105. Bailey et al, see: eds., Oakley et al, (1998), 221.

106. MacLean, see: ed., Griffiths, (1998), 35. MacLean discusses the complexities of peacebuilding generally, top-down versus bottom-up approach., with reference to "bungee cord humanitarianism", see Kenneth Bush (1996), 'Beyond Bungee Cord Humanitarianism'.

107. Chetan Kumar, (1998), 77.

108. There were in fact no effective administrative processes anywhere in the organization, a reality exacerbated by archaic governmental procedure and regulation. The actual number of serving police officers was unknown. Pay was routinely delayed for many weeks. Cheques were issued for personnel that had 'abandoned' their posts. So inefficient and ineffective were administrative procedures, the Director General of police, personally, was required to sign each and every employee paycheque, some 5000. On the issue of police violence, the international community was aware of a growing problem, but the true extent of the problem remained in question. Statistical evidence was available only from the international 'watchdog' organizations that were deployed strategically throughout the country. The HNP had no accurate accounting, and in any event did not share information of incidents not already known by the international community.

109. David Nicholls, From Dessalines to Duvalier, (Hong Kong: Macmillan, 1988), 246.

110. Donald Schultz, "Political Culture, Political Change and the Etiology of Violence," ed., Robert I Rotberg, Haiti Renewed, (Cambridge Mass: World Peace Foundation, 1997), 97.

111. Community policing is generally more easily understood in the context of uniform policing duties. The US program managers had no such experience. Indeed many of the US of the resources came from backgrounds in non-uniform specialist agencies like the FBI, and the Drug Enforcement Administration. In 1998, a change in US management saw a new Director in place, a former uniform officer of the Los Angeles Police Department. While he was totally familiar with the notion and practice of community policing by this time the opportunity to instill the idea at a grass roots level was past.

112. In 1999, as the UN Civilian Police Mission was drawing to a close plans were being made to create a follow-up mission, MICAHA (Civilian Assistance Mission to Haiti). This mission was to focus on placing mentors throughout the police and justice system at managerial levels. The writer proposed that the problem of police violence and corruption,

either tolerated or perpetrated by police management, had to challenged head on, and that a closure relationship between the international police mentors and UN and local HR officials should be explored. The UN rejected exploration of the idea as potentially damaging to it's image unbiased observers and victim advocate.

113. Notes, personal knowledge.1999. Discussions with Herve Lasportes, Police Liaison, French Embassy, Port-au-Prince.

114. A related but troubling anecdote here is the fact that private hospitals had refused service to police and fire officials after the Haitian Government refused to pay bills. In 1998, Canape Vert Hospital in Port-au-Prince actually placed a sign at the entrance declaring that police and firefighters would not be treated.

115. The list of anecdotal evidence describing the administration of the Police Academy would be comical were it not a sad commentary on the absence of partnership, and I would suggest a lack of will to contribute on the part of the Haitian Government. In one scenario something in the neighborhood of 40,000 pages of photocopy paper went missing in a few days, allegedly used over a weekend in a private contracting arrangement. The US, mistrustful of the government security hired privately to secure the facility, the property of the Haitian Government. At the time of the 'turnover' of administrative responsibility from the US to the GOH, and before US paid security were removed from the front gate, a late night attempt was made to 'liberate' a small fleet of vehicles that were stored prior to deployment to US supported police development programs. An alert Haitian guard, recognizing what was happening closed and locked the heavy steel gate, denying the liberators exit. Threatened with a pistol to his head, the guard defiantly swallowed the key. No harm came to him, and the vehicles did not leave the facility. The next morning Haitian officials at the academy asked the US authority to fire the guard. He was not. While the Director General of Police was well aware of the myriad of problems at the academy he was unable to replace the Director (actual title was acting/director as the Director's position remained vacant), a patronage appointment of unknown connections.

116. Kumar, (1998), 77-87.

117. Jackson et al, (June 1996), para 5.4.2. Reoccurring costs and sustainability are rarely addressed before projects begin. Recipient governments are then unable to deal with the impact of development.

118. Boutros Ghali, (1995), 201.

119. Derick W. Brinkerhoff, (1986), 264-8.

120. Stotzky, (1993), 8. The indicators of a counterproductive governmental attitude, an absence of 'will' are described in the context of judicial development in Argentina. Political action such as the dismissal of key figures, eliminating opposition, 'stacking' courts, unlawful or unconstitutional decrees when examining collectively must be considered most damaging in that they are attempts to control and dominate. Stotzky sees such activities as even more damaging than corruption, wealth accumulation, black marketeering etc.

121. Trouillot, (1990), 175-78. Institutional nature of corruption is discussed.

122. Schultz, see: ed., Rotberg, (1997), 95-7. Schultz also suggested Haitian political behaviour is "marked by authoritarianism, paternalism, personalism, patronage, nepotism, demagoguery, corruption, cynicism, opportunism, racism, incompetence, parasitism, rigidity, intolerance, rivalry, distrust, insecurity, vengeance, intrigue, superstition, volatility, violence, paranoia, xenophobia, exploitation, class hatred, institutional illegitimacy, and mass apathy,

aversion and submission”

123. Kumar, (1998), 77.
124. Delince, (1993), 30-39, 43-54, 71-3, 237, 308-10.
125. Kumar, (1998), 86-7.
126. International Peacekeeping, (Chronicle of Events: December 1995-January 1996) 19.
127. Norton, (28 Jul 2000), Associated Press.
128. A complete overview of the HR situation in Haiti is available in the regular quarterly reports of United Nations (MICIVIH), Human Rights Review, (April-June 1999).
129. United Nations, Human Rights Review, (April-June 1999). 9-10.
130. Aristide, “The Role of the Judiciary”, see: ed., Stotzky, (1993), 35-40.
131. International Peacekeeping, (December 1995-January 1996), 19. Politically motivated violence in Haiti, even since the international intervention, has been an often discussed and contentious issue within the international community. Even in 1996 the US Congress was accusing the Clinton Administration of hiding information about the political violence that implicated the former Haitian President Aristide in order to facilitate the illusion of a development success.
132. Human Rights Watch, World Report 1999: Haiti Human Rights Developments. <<http://www.hrw.org/hrw/worldreport99/americas/haiti.html>> 5. Human Rights Watch reported that in the Raboteau case, the assigned judge, Abraham Thelusme resigned after freeing one of the defendants, raising further concerns about political interference in the case. The writers information indicates Thelusme was residing in Canada.
133. Yves Colon, “Soldiers’ murder conviction seen as boost to justice in Haiti” and “Ex-officers sentenced in Haiti”. Miami Herald, (11 Nov. 2000), <<http://www.herald.com/content/t.../carib/haiti/digdocs/002193.htm>> (18 Dec. 2000). Associated Press. 22 August 2000.
134. Ibid.
135. Stotzky, (1997), 197-201. It is suggested that blame for the delay in prosecutions should be put on the US government that withheld documents that had been seized at the time of the military intervention. The authors sources suggest that the Haitian government was equally resistant in sharing information of ongoing investigation of politically motivated crime.
136. Human Rights Review, (October-December 1998, April-June 1999). UN statistics indicate no significant change in incidents of ‘official’ violence since the international community began justice development. Underscoring the importance of this reality is the fact that human rights investigators were scarce. Indeed, by 1999 their numbers, because of depleted budgets, had been reduced to a handful of placement in central locations around the country. (Discussions with Colin Granderson, head of the UN Civilian Mission in Haiti).
137. Personal knowledge, notes, interviews.
138. For obvious reasons details of this disclosure are purposely vague. Notes, interviews.
139. Personal knowledge, notes and interviews.
140. Details of such interventions cannot be revealed at the risk of jeopardizing sources. Personal knowledge, notes and interviews. US investigations, independent of Haitian authorities, of politically motivated crime and corruption, in some cases have confirmed the truthfulness of some suspects. These investigations have included, but certainly are not limited to polygraph examination. The details of such investigations remain highly

classified.

141. Haiti's growing reputation as a transshipment point for the traffic of cocaine between Columbia and North America has been widely reported. Politicization of officials in the Justice Sector has been a fear of the development partners since the outset of international assistance activities. Notes, reports and experience 1996-1999.
142. Human Rights Watch, World Report 1999: Haiti Human Rights Developments. <<http://www.hrw.org/hrw/worldreport99/americas/haiti.html>> 1-6.
143. Notes, interview, discussion.
144. Human Rights Review, (October-December 1998, April-June 1999). See also: Human Rights Watch World Report <<http://www.hrw.org/wr2k1/americas/haiti.html>>, and Human Rights Watch, Haiti Human Rights Developments, <<http://hrw.org/wr2k/americas-06.htm>>.
145. Stotzky, (1997)
146. Schultz, see: ed. Rotberg, (1997) 95-6.
147. The writer's own reports on the project management regularly reported on the partnership failings.
148. Arjuna Naidu, Fundamental Human Rights, A Bill of Rights for South Africa (Univ. of Transkei) 6.
149. Carty and Smith, see: eds., Robert O. Mathews and Cranford Pratt, "Canadian Development Assistance," Human Rights in Canadian Foreign Policy. (McGill-Queen's University, 1988), 176.
150. L. Henkin, The International Bill of Rights. The Covenant on Civil and Political Rights. (New York: Columbia University, 1981), 6-7.
151. T.A. Kennleyside, see: eds., Mathews and Pratt, (1988), 187.
152. Abiew and Keating, (1999), 93-4.
153. Gareth Evans, Cooperating For Peace. (Australia: Allen and Unwin, 1993), 52.
154. Kumar, (1997), 29-31.
155. Ibid, 77.
156. Tom Walker and Alex Todorovic, Ottawa Citizen, (25 Mar 2001), 1. The notion of stronger diplomatic action, indeed tying aid to judicial development performance, appears to have emerged in the former Yugoslavia. It is reported that the pursuit of criminal charges against the former president Slobadon Milosevic and Rade Markovic, former head of the secret police, was at least in part related to demonstrating progress in the justice sector, and that a large international aid package might ride on the balance.
157. Lloyd Axworthy, "Canada and human security: the need for leadership", International Journal, (Spring 1997), 183-96.
158. Lloyd Axworthy and Sarah Taylor, "A Ban for all Seasons: The Landmines Convention and Its Implications for Canadian Diplomacy," International Journal, (Spring 1998), 189-203.
159. Axworthy, International Journal, (1997), 184. The parameters of the problem are spelled out. "This concept of human security recognizes the complexity of the human environment and accepts that the forces influencing human security are interrelated and mutually reinforcing. At a minimum, human security requires that basic needs are met, but it also acknowledges that sustained economic development, human rights and fundamental freedoms, the rule of law, good governance, sustainable development and social equity are as important to global peace as arms control and disarmament. It recognizes the links between environmental degradation, population growth, ethnic conflicts, and migration.

Finally, it concludes that lasting stability cannot be achieved until human security is guaranteed.”

160. Axworthy, International Journal , (1997), 192-93.

161. Lloyd Axworthy, ‘Building peace to last: establishing a Canadian peacebuilding initiative’. Department of Foreign Affairs and International Trade. *Statement* 96/46. (30 October, 1996). 2.

162. Canadian International Development Agency (CIDA), Canadian Peace Keeping Experience. < [\(http://www.acdi-cida.gc.ca/cida\\_ind.nsf/ \(p.1-3\)](http://www.acdi-cida.gc.ca/cida_ind.nsf/(p.1-3)) (1999, October 05)> Canada and the OAS The array of mechanisms used by Canada in multilateralism, and current initiatives are discussed.

163. Canadian trained police officers (retired, or serving), highly experienced and with French-English language skills have been attractive candidates for employment by all of the development partners.

164. David B. Carment, “Rethinking Peacekeeping: The Bosnia and Somalia Experience,” eds., Fen Osler Hampson & Maureen Appel Molet, Big Enough to Be Heard: Canada Among Nations, (Ottawa: Carleton UP. 1996) 238.

165. The HNP Director General, Pierre Denizé, declined to explain the nature of the political intervention, suggesting that the project was best revisited at a later time. It is suspected that officials feared that an first aid capacity of the police would infringe on private ambulatory services.

166. The Canadian bilateral police development project, despite a reduced budget, seems committed to an extension beyond the life of the original project. This has not yet been formally announced. Discussions and interviews.

167. Argentina, while contributing as many as 150 personnel in the form of a ‘maintien d’ordre’ group (order maintenance) to the UN policing component, had little role in the day to day policing development activities. The principle role was the security of UN personnel in country. Until 1999 the overall UN contingent remained at approximately 300 personnel, yet with only half that number ‘in the field’.

168. CIDA(Canadian International Development Agency)/RCMP Policing Development Project for the Haitian National Police (D.C. Beer, updated July 1999).

169. (Notes and Observations 1996-1999) Contract employees to ICITAP often come from widely diverse backgrounds (ie: Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, US Marshals Service, State, County, City Police from various locations, Airport or Transit Police from various jurisdictions, foreign countries), of different mandates and standards.

170. Precise figures of funds dispensed directly or indirectly for policing development in Haiti are difficult to determine. Funding, in one form or another, which may or may not be directly controlled by ICITAP, came from a number of sources (ie: direct Congressional funding, US AID, US Department of Justice, US Military, Drug Enforcement Administration. The massive funding available to the program in the first years of activity ‘93-’98, was no longer readily available. Congress in particular became very wary of the effectiveness of spending, given the failures on the part of the Haitian government to take responsibility. This figure (from Gary Bennett, the last ICITAP Program Director in Haiti), is a conservative estimate of US policing development contributions 1993-1998.

171. This figure essentially represents the salaries and support costs of 3 advisors in the country. No development money is available to support development initiatives (H. Lasporte, Policing Advisor, French Embassy, Haiti 1996-1999).

172. Selection standards vary to a limited degree depending on the complexity of the mission. Generally the standards involve a minimum of 5 years of police service, ability to drive 4 wheel drive vehicles, and the ability to converse orally and in the written language of the mission. (Michael Emery. 1997. *Selection Standards and Training Guidelines for United Nations Civilian Police*. UN Department of Peacekeeping Operations. New York.p.18) Less developed countries often have difficulty in meeting even these very basic standards, and it is not uncommon for 'peacekeepers' to be returned home as a result. Indeed, in the Haitian example, it has been seen that some 'police officers/peacekeepers' have had less training and fewer skills than the Haitian counterparts that they are expected to oversee, monitor or train.

173. Chronology sources include: Bailey, Maguire, Pouliot, See: Oakley, Dziedzic, Goldberg, eds. (1998). 215-252; Rotberg (1997); Shacochis (1999); Trouillot (1990); Personal experience, notes, interview and discussions 1996-2001.



**Vita Auctoris:**

D.C. (David) Beer was born in 1953 at Brussels Ontario. He joined the Royal Canadian Mounted Police in 1974, and has served in a variety of capacities, and locations. He holds the rank of Superintendent. Included in his experience is international work on behalf of the Canadian International Development Agency (CIDA), and the United Nations. He is a recipient of the Canadian Peacekeeping Medal, and is a Serving Brother of the Order of St. John; awards recognizing his work abroad. He holds a Bachelor of Arts, Sociology/Anthropology, from Carleton University, Ottawa, and is currently a candidate for the Master's Degree in Political Science at the University of Windsor.